

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)

DATE AND TIME: WEDNESDAY, MARCH
26, 1997
9:30 A.M.

PLACE: 8800 CAL CENTER
DRIVE

BOARD ROOM
SACRAMENTO,
CALIFORNIA

REPORTER: BETH C. DRAIN,
RPR, CSR
7152 CERTIFICATE NO.

BRS FILE NO.: 37743

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER MR. PAUL RELIS,
MEMBER
MR. STEVEN R. JONES, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. MARLENE KELLY, BOARD SECRETARY

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B. JOHN R. COOPER, D/B/A INDUSTRIAL TIRE SERVICE

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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, MARCH 26, 1997

2 9:30 A.M.

3

4 CHAIRMAN PENNINGTON: GOOD MORNING. AND
5 WELCOME TO THE SECOND DAY OF THE MARCH CALIFORNIA
6 INTEGRATED WASTE MANAGEMENT BOARD MONTHLY
7 MEETINGS. WILL THE SECRETARY PLEASE CALL THE
8 ROLL.

9 BOARD SECRETARY: BOARD MEMBER CHESBRO.

10 BOARD MEMBER CHESBRO: HERE.

11 BOARD SECRETARY: FRAZEE.

12 BOARD MEMBER FRAZEE: HERE.

13 BOARD SECRETARY: GOTCH.

14 BOARD BOARD MEMBER GOTCH: HERE.

15 BOARD SECRETARY: JONES.

16 BOARD MEMBER JONES: HERE.

17 BOARD SECRETARY: RELIS.

18 BOARD MEMBER RELIS: HERE.

19 BOARD SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: HERE. WE HAVE A
21 QUORUM.

22 DO ANY MEMBERS HAVE ANY EX PARTES?

23 I'LL START WITH MR. CHESBRO.

24 BOARD MEMBER CHESBRO: OH, I'VE GOT ALL
25 THOSE WRITTEN ONES. I DON'T KNOW WHICH ONES --

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1 I'M JUST GOING TO READ INTO THE RECORD. MIGHT AS
2 WELL START, I GUESS. GREGORY BASSO, FORWARD,
3 INCORPORATED. THAT WAS ON THE 50-PERCENT
4 INITIATIVE. NEVER MIND.

5 A NUMBER OF LETTERS FROM EDIE HARMON
6 OF THE SIERRA CLUB SAN DIEGO. THERE'S FOUR OR
7 FIVE OF THEM WHICH ALL SHOULD BE ENTERED INTO THE
8 RECORD.

9 JANE WILLIAMS -- THAT WAS REGARDING
10 MESQUITE. JANE WILLIAMS OF DESERT CITIZENS
11 AGAINST POLLUTION REGARDING MESQUITE. WILLIAM
12 CURTISS OF THE SIERRA CLUB LEGAL DEFENSE FUND
13 REGARDING THE MESQUITE LANDFILL ITEM. MIKE
14 MILLER, CITY OF WEST COVINA, REGARDING BASE-YEAR
15 MEASUREMENTS, ITEM 32. AND I THINK THAT'S IT ON
16 MY LIST.

17 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
18 MR. CHESBRO. MRS. GOTCH.

19 BOARD MEMBER GOTCH: TO ADD TO THAT, I
20 HAD A QUICK HELLO WITH SUPERVISOR SAM SHARP
21 REPRESENTING IMPERIAL COUNTY AND REGARDING THE
22 MESQUITE PERMIT. WE RECEIVED A LETTER, AND I
23 BELIEVE THIS IS FOR EVERYONE, FROM GRATTAN,
24 GERSICK, KARP & MILLER REGARDING WASTE TIRE
25 PROGRAM. PRINTING INDUSTRIES OF CALIFORNIA FROM

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1 MINE ARE ALL RECORDED IN THE RECORD WITH THE
2 EXCEPTION OF A BRIEF HELLO TO SUPERVISOR SAM SHARP
3 FROM IMPERIAL COUNTY.

4 CHAIRMAN PENNINGTON: OKAY. FINE. THANK
5 YOU.

6 BOARD MEMBER RELIS: SUPERVISOR, I ALSO
7 SHOOK HIS HAND. CAME UP HERE.

8 CHAIRMAN PENNINGTON: MINE ARE, I
9 BELIEVE, ALL RECORDED. AND IF NOT, THEY'VE BEEN
10 RECORDED HERE THIS MORNING BY SOMEBODY. AND I TOO
11 SPOKE TO SUPERVISOR SHARP, WHO, I'M SURE, DIDN'T
12 REALIZE HE WAS GOING TO GET ALL THIS PUBLICITY.

13 THERE ARE SPEAKER REQUEST FORMS IN
14 THE BACK OF THE ROOM SO THAT IF ANYBODY IN THE
15 AUDIENCE WISHES TO ADDRESS THE BOARD, IF THEY
16 WOULD FILL ONE OUT AND HAND IT TO MS. KELLY
HERE,
17 SHE WILL MAKE SURE THAT I GET THEM AND YOU GET
18 CALLED ON.

19 I ALSO WOULD LIKE TO ANNOUNCE
THAT

20 TODAY IS MS. KELLY'S AND MS. BERTRAM'S
BIRTHDAY,

21 SO WE WISH THEM ALL HAPPY BIRTHDAY.

22 (APPLAUSE.)

23 CHAIRMAN PENNINGTON: I HAVE TWO

24 ANNOUNCEMENTS ABOUT THE BOARD AGENDA. ITEM
25,
25 35, 36, 44, AND 50 HAVE BEEN PULLED FROM
TODAY'S

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1 AGENDA. AND TO ACCOMMODATE THE LONG DISTANCE
2 TRAVEL, ITEM 48 AND 39 WILL BE HEARD FOLLOWING
3 ITEM 24.

4 NOW WE'LL GO INTO THE COMMITTEES'
5 REPORTS, THE BOARD COMMITTEE REPORTS. WE'LL START
6 WITH LEGISLATION AND PUBLIC EDUCATION COMMITTEE
7 WITH MRS. GOTCH AS THE CHAIR.

8 BOARD MEMBER GOTCH: THE LEGISLATION AND
9 PUBLIC EDUCATION COMMITTEE MET ON MARCH 13TH TO
10 CONSIDER SEVERAL 50-PERCENT INITIATIVE ITEMS AND
11 DISCUSS LEGISLATION. AS THE BOARD MEMBERS MAY
12 REMEMBER, AT THE TIME OF LAST MONTH'S BOARD
13 MEETING, THE BILL INTRODUCTION DEADLINES HAD NOT
14 YET CLOSED. CONSEQUENTLY, STAFF WAS STILL
15 UNCERTAIN OF THE NUMBER AND TYPES OF BILLS THAT
16 MIGHT AFFECT THE BOARD.

17 IN YOUR BOARD PACKET I DRAW YOUR
18 ATTENTION TO LEGISLATIVE STATUS REPORT LOCATED
19 BEHIND TAB 25. STAFF HAS SET UP A SUBJECT MATTER
20 INDEX AS PART OF THIS DOCUMENT AND GROUPED BILLS
21 ACCORDINGLY. FOR THE SAKE OF CONTINUITY AND TO
22 THE EXTENT THAT WE CAN DO SO, THE COMMITTEE WILL
23 TRY TO CONSIDER BILLS WITHIN THE SUBJECT MATTER
24 CATEGORY AT ONE TIME.

25 TO THE BEST OF MY KNOWLEDGE, THE

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1 LEGISLATURE HAS ONLY ACTED ON A COUPLE OF BILLS
2 THAT SUBSTANTIVELY AFFECT BOARD PROGRAMS: AB 84,
3 WOODS, WHICH DEALS WITH PRICE PREFERENCES FOR RICE
4 STRAW, AND AB 228, MIDGEN, WHICH DEALS WITH
5 RECYCLED-CONTENT NEWSPRINT PROGRAM.

6 FOR CERTAIN, THESE BILLS ALONG WITH
7 OTHERS WILL BE SCHEDULED FOR NEXT MONTH'S LPEC
8 COMMITTEE.

9 I WOULD ALSO BRING TO THE BOARD'S
10 ATTENTION THAT THE -- EXCUSE ME -- THAT THE
11 ASSEMBLY NATURAL RESOURCES COMMITTEE WILL BE
12 HOLDING A HEARING TO DISCUSS TIRES ON MARCH 31ST.

13 THANK YOU. THAT CONCLUDES MY
14 REPORT.

15 CHAIRMAN PENNINGTON: THANK YOU, MRS.
16 GOTCH.

17 NOW WE'LL HEAR FROM LOCAL ASSISTANCE
18 AND PLANNING WITH MR. CHESBRO AS THE CHAIR.

19 BOARD MEMBER CHESBRO: MR. CHAIRMAN, IN
20 ADDITION TO THE ITEMS RELATED TO THE ACHIEVING
21 50-PERCENT INITIATIVE, THE COMMITTEE CONSIDERED
22 SEVEN PLANNING DOCUMENTS, WHICH REPRESENTED FIVE
23 INDIVIDUAL JURISDICTIONS. ALL OF THOSE PLANS ARE
24 ON THE CONSENT CALENDAR.

25 ONE ITEM THAT WAS HEARD WAS A

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1 REQUEST FOR A TWO-YEAR TIME EXTENSION FOR MEETING
2 THE DIVERSION REQUIREMENTS FOR THE CITY OF
3 GONZALES, MONTEREY COUNTY. THIS ITEM WAS APPROVED
4 BY THE COMMITTEE AND PLACED ON THE BOARD'S CONSENT
5 CALENDAR BY THE COMMITTEE. AND I WOULD SAY IT'S
6 PROBABLY A FIRST SMALL STEP TOWARDS WHAT WE'VE ALL
7 BEEN TALKING ABOUT IN TERMS OF STREAMLINING THE
8 SMALL JURISDICTION AND RURAL RELIEF ITEMS. WE
9 DIDN'T GO OVER IT WITH A FINE-TOOTHED COMB. I
10 THINK IT WAS RECOGNIZED THAT THE JURISDICTION
11 NEEDED SOME RELIEF. AND THAT WAS RECOMMENDED FOR
12 APPROVAL, AND IT IS ON THE CONSENT CALENDAR.

13 THE COMMITTEE ALSO CONSIDERED THE
14 SCORING CRITERIA AND EVALUATION PROCESS FOR THE
15 1997-98 LOCAL GOVERNMENT USED OIL OPPORTUNITY
16 GRANTS. WE APPROVED BOTH THE CRITERIA AND THE
17 EVALUATION, AND IT IS ALSO ON TODAY'S CONSENT
18 CALENDAR.

19 TODAY THE BOARD WILL BE
HEARING AN

20 ITEM THAT WAS FORWARDED FOR YOUR APPROVAL,
WHICH

21 IS THE RECOMMENDATIONS FOR CORRECTING THE
22 BASE-YEAR AND/OR REPORTING YEAR
INACCURACIES. WE

23 ALSO HEARD SOME ABOUT THAT YESTERDAY FROM

MR.

24 MICHAEL, AND THERE WILL PROBABLY BE SOME
INPUT
25 FROM SOME LOCAL JURISDICTIONS ON THAT ITEM
TODAY.

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1 IN OTHER NEWS REGARDING LOCAL
2 ASSISTANCE, AS DISCUSSED LAST MONTH, LOCAL
3 ASSISTANCE STAFF MAILED ENFORCEMENT LETTERS TO 66
4 JURISDICTIONS WHICH HAVE NOT SUBMITTED SRRE'S
5 AND/OR NDFE'S. IT SHOULD BE NOTED THERE WAS AN
6 ARTICLE IN SAN DIEGO -- I MEAN SAN BERNARDINO
7 NEWSPAPER. I DON'T KNOW IF ALL OF YOU HAD A
8 CHANCE TO SEE THAT. IT WAS IN THE NEWS CLIPPING
9 FILES THAT CIRCULATED. AND THERE WAS A QUOTE FROM
10 ONE OF THE CITY OFFICIALS SAYING, "OH, I HAVE THE
11 DOCUMENT IN MY HAND. WE'RE MAILING IT TODAY." SO
12 I DO THINK PROGRESS CONTINUES TO OCCUR. STAFF ARE
13 DEVELOPING AN ENFORCEMENT AGENDA ITEM FOR BOTH THE
14 APRIL LOCAL ASSISTANCE COMMITTEE AND BOARD
15 MEETINGS.

16 COMMITTEE ALSO WAS INFORMED THAT
17 STAFF HAS COMPLETED WORK WITH THE DEPARTMENT OF
18 MOTOR VEHICLES ON AN AD, WHICH IS -- HAS BEEN
19 PLACED IN THE CALIFORNIA DRIVERS HANDBOOK,
20 INFORMING READERS ABOUT RECYCLING OF USED MOTOR
21 OIL. AND THAT AD, WHICH WAS DESIGNED BY THE
22 BOARD'S OWN TOM GONZALES, WILL RUN IN THE FIRST
23 MILLION COPIES DISTRIBUTED STATEWIDE. SO
24 SIGNIFICANT EXPOSURE FOR OUR MESSAGE AND SOME

VERY

25 GOOD WORK BY THOMAS GONZALES.

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1 WITH REGARDS TO WASTE PREVENTION,
2 LAST MONTH STAFF REPORTED MORE THAN 1300
3 WAL-MART -- CALIFORNIA WAL-MART, ACE, TRUE VALUE,
4 AND ORCHARD HARDWARE STORES HAVE AGREED TO PLACE
5 "MY NEIGHBORS ARE GREEN WITH ENVY" POSTERS WITH
6 REGARDS TO GRASSCYCLING IN THEIR STORES, ALONG
7 WITH COPIES OF THE BOARD'S GRASSCYCLING BROCHURES.
8 STAFF HAS DISTRIBUTED THOSE MATERIALS, AND THEY'RE
9 BEGINNING TO APPEAR AROUND SACRAMENTO. WE HAVE
10 EYEWITNESS ACCOUNTS OF THEM BEING POSTED IN A
11 NUMBER OF THOSE STORES, SO OUR PROJECT SEEMS TO
12 HAVE ACHIEVED ITS INITIAL GOALS.

13 OTHER GOOD NEWS, THE BOARD'S YARD
14 WASTE PREVENTION EXHIBIT AT THE RECENT NORTHERN
15 CALIFORNIA TURF AND LANDSCAPE EXPO IN SANTA CLARA
16 WON A BLUE RIBBON FOR BEST OF THE SHOW IN THE
17 EDUCATION CATEGORY.

18 AND FINALLY, I'M VERY HAPPY TO
19 REPORT -- I HOPE I'M NOT STEALING SOME OF RALPH'S
20 THUNDER HERE -- THAT WE FINALLY HAVE A NEW
21 IN-HOUSE WASTE REDUCTION COORDINATOR. LORNA
22 GRAGG, AND SHE IS ON TEMPORARY ASSIGNMENT FROM IMB
23 TO FULFILL THAT ROLE. SHE'LL BE TAKING OVER THE
24 REINS OF THE IN-HOUSE COMMITTEE, IN-HOUSE WASTE
25 PREVENTION COMMITTEE, AS WELL AS SPEARHEADING AN

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1 EFFICIENCY PROJECT WITH IMB.

2 THAT COMPLETES MY REPORT, MR.

3 CHAIRMAN.

4 CHAIRMAN PENNINGTON: THANK YOU, MR.

5 CHESBRO. NOW WE HAVE PERMITTING AND ENFORCEMENT

6 CHAired BY MR. FRAZEE.

7 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN,

8 PERMITTING AND ENFORCEMENT COMMITTEE MET ON MARCH

9 19TH AND HEARD A TOTAL OF 14 ITEMS. THE FIRST

10 SEVEN ARE RECOMMENDED FOR TODAY'S CONSENT AGENDA.

11 STARTING, FIRST, WITH PERMIT ITEMS, THE TULARE

12 RECYCLING COMPLEX, THE WEST MIRAMAR SANITARY

13 LANDFILL IN SAN DIEGO, THE COACHELLA TRANSFER AND

14 RECYCLING STATION, AND THE CUMMINGS ROAD LANDFILL.

15 WE ALSO HAVE SOME CONSIDERATION

16 ITEMS THAT ARE RECOMMENDED FOR THE CONSENT

17 CALENDAR: SITE REMEDIATION UNDER THE WASTE TIRE

18 STABILIZATION AND ABATEMENT PROGRAM, CERTIFICATION

19 OF THE SHASTA DEPARTMENT OF RESOURCE MANAGEMENT AS

20 THE LEA FOR SHASTA AND TRINITY COUNTIES, AND THE

21 DESIGNATION, APPROVAL, AND CERTIFICATION OF THE

22 SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES

23 DIVISION AS THE LEA FOR SANTA BARBARA COUNTY.

24 AND THEN ON THE REGULAR AGENDA FOR

25 CONSIDERATION TODAY, FIRST, THE MESQUITE REGIONAL

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1 LANDFILL IN IMPERIAL COUNTY; NO. 2, THE HEALDSBURG
2 TRANSFER STATION; THREE, A MAJOR WASTE TIRE
3 FACILITY PERMIT FOR MODESTO ENERGY LIMITED
4 PARTNERSHIP. THIS WAS MOVED TO THE BOARD WITH NO
5 RECOMMENDATION. THE STATUS OF A MAJOR WASTE TIRE
6 FACILITY PERMIT FOR THE OXFORD TIRE RECYCLING.
7 THIS ITEM WAS CONTINUED AND WILL BE HEARD AT THE
8 APRIL P&E MEETING. THE REVISED LEA DESIGNATION
9 FOR INYO COUNTY, THE UPDATE TO THE SCHEDULE FOR
10 PLACEMENT OF OPERATIONS AND FACILITIES INTO
11 REGULATORY TIERS; AND, FINALLY, THE STATUS OF THE
12 CDFA REVIEW OF THE ASH REGULATIONS. AND THAT ITEM
13 WILL BE CONTINUED TO THE APRIL P&E MEETING.

14 THAT COMPLETES MY REPORT.

15 CHAIRMAN PENNINGTON: THANK YOU, MR.
16 FRAZEE. NEXT WE HAVE THE MARKET DEVELOPMENT
17 COMMITTEE CHAIRED BY MR. RELIS.

18 BOARD MEMBER RELIS: MR. CHAIR, THE
19 MARKET DEVELOPMENT COMMITTEE HEARD FIVE ITEMS THIS
20 MONTH. TWO ITEMS ARE ON TODAY'S CONSENT CALENDAR:
21 NO. 33, THE REDESIGNATION OF THE SONOMA/MENDOCINO
22 RECYCLING MARKET DEVELOPMENT ZONE TO INCLUDE LAKE
23 COUNTY; AND NO. 34, THE THREE RECYCLING MARKET
24 DEVELOPMENT ZONE LOANS.

25 AN ADDITIONAL ITEM RELATED TO THE

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1 50-PERCENT INITIATIVE WAS TAKEN UP BY THE BOARD AT
2 YESTERDAY'S MEETING.

3 TWO OTHER ITEMS WERE ALSO CONSIDERED
4 BY THE COMMITTEE. ONE IS THE CONSIDERATION OF THE
5 PROPOSED REGULATIONS FOR RECYCLED-CONTENT NEWS-
6 PRINT QUALITY STANDARDS. THE COMMITTEE MOVED THAT
7 PROPOSED REGULATIONS WITH SEVERAL SIGNIFICANT
8 REVISIONS, INCLUDING ELIMINATING THE REQUIREMENT
9 FOR STATE TESTING, BE SENT OUT FOR AN ADDITIONAL
10 30-DAY COMMENT PERIOD IN THE BELIEF THAT SOME OF
11 THIS TESTING IS REALLY INTERNAL TO THE PAPER
12 INDUSTRY ITSELF, NOT SO MUCH FOR COMPLIANCE WITH
13 MINIMUM CONTENT. THIS MIGHT BE EXTENDED TO A
14 45-DAY PERIOD IF THE LEGAL OFFICE DETERMINES THAT
15 THE CHANGES ARE SUBSTANTIAL.

16 THERE WAS CONSIDERABLE DISCUSSION
17 ABOUT THE NEED FOR CONTINUED TESTING BY ANY PARTY
18 VIS-A-VIS THE QUALITY STANDARDS, AND I EXPECT WE
19 WILL HEAR MORE ABOUT THIS WHEN THE REGULATORY
20 PACKAGE IS BROUGHT BACK TO THE COMMITTEE.

21 ALSO UNDER CONSIDERATION WERE
22 CHANGES TO THE RECYCLING MARKET DEVELOPMENT ZONE
23 LOAN PROGRAM. THE COMMITTEE DIRECTED STAFF TO
24 PROCEED WITH THE AGENDA ITEMS PLANNED FOR THE
NEXT

25 THREE MONTHS. THESE WILL ADDRESS TOPICS SUCH AS

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1 LOAN OBJECTIVES AND LENDING PROCEDURES, THE ISSUE
2 OF PERSONAL GUARANTEES, OUR REQUIREMENT, WHETHER
3 THAT IS WHAT WE WANT TO CONTINUE WITH OR NOT,
4 METHODS TO INCREASE THE NUMBER OF LOANS PROCESSED,
5 AND A MEMORANDUM OF UNDERSTANDING WITH THE
6 CALIFORNIA POLLUTION CONTROL FINANCE AUTHORITY TO
7 PARTICIPATE IN WHAT IS KNOWN AS THE CALCAP
8 PROGRAM.

9 THE COMMITTEE ALSO DIRECTED STAFF TO
10 EXAMINE FINANCIAL INCENTIVES AND OTHER MECHANISMS
11 TO PROVIDE ASSISTANCE TO ZONE ADMINISTRATORS AND
12 INCLUDE AN IMPLEMENTATION SCHEDULE WHEN THE MOU
13 REGARDING THE CALCAP PROGRAM IS BROUGHT BEFORE THE
14 COMMITTEE.

15 THAT COMPLETES MY REPORT.

16 CHAIRMAN PENNINGTON: THANK YOU, MR.
17 RELIS. NOW WE HAVE THE POLICY, RESEARCH, AND
18 TECHNICAL ASSISTANCE COMMITTEE CHAIRED BY MR.
19 JONES.

20 BOARD MEMBER JONES: THANK YOU, MR.
21 CHAIRMAN. MR. CHAIRMAN, THE POLICY COMMITTEE

MET

22 THIS MONTH AND DEALT WITH 12 OF THE STRATEGIES
23 WHICH WE DEALT WITH YESTERDAY. THAT -- THOSE
WERE

24 THE ONLY ISSUES THAT WERE IN FRONT OF POLICY.
25 I DO WANT TO MENTION A TIRE
MEETING

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1 THAT I HELD THAT WAS -- I'VE HAD FOUR OR FIVE
2 MEETINGS WITH INTERNAL STAFF TRYING TO GET UP TO
3 SPEED WITH THE TIRE ISSUES BECAUSE TIRES ARE
4 SOMETHING THAT WE NEED TO COME UP WITH SOME
5 SOLUTIONS ON, AND THIS BOARD HAS BEEN WORKING HARD
6 ON FOR A LONG TIME. AND TO TRY TO GET THE OTHER
7 SIDE, I INVITED 15 DIFFERENT PARTIES FROM THE
8 INDUSTRY FROM EVERY SEGMENT, HAULERS, SHREDDERS,
9 CRUMB RUBBER PEOPLE, PEOPLE THAT MAKE THE
10 PRODUCTS, TDF FOLKS.

11 AND WHAT THIS MEETING WAS ABOUT
12 WASN'T TO TALK ABOUT THEIR SPECIFIC ISSUES, BUT
13 THAT THEY WOULD HAVE THE ABILITY TO SPEAK GLOBALLY
14 SO THAT I CAN UNDERSTAND THE MAGNITUDE OF THE
15 ISSUES AND TRY TO FIND SOME COMMON AREAS WHERE WE
16 CAN COME UP WITH A STRATEGY TO -- OR PROPOSE A
17 STRATEGY TO BE ABLE TO DEAL WITH EVERYBODY'S
18 CONCERNS.

19 AND I JUST WANTED TO NOTE THAT FOR
20 THE RECORD, THAT THIS MEETING WAS -- SOME PEOPLE
21 GOT EXCITED BECAUSE THEY WEREN'T INVITED. THIS
22 WASN'T ABOUT SPECIFIC MEETINGS. I COULD HAVE HELD
23 15 SEPARATE MEETINGS AND TAKEN A MONTH AND A HALF
24 TO DO IT, OR I COULD HOLD ONE AND TAKE SEVEN
25 HOURS. SO THAT WAS THE INTENT. IT WAS A GOOD

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1 MEETING. I LEARNED A LOT OF IT, AND HOPEFULLY
2 WE'LL BE ABLE TO START HELPING WITH SOME
3 STRATEGIES.

4 CHAIRMAN PENNINGTON: THANK YOU, MR.
5 JONES. FINAL COMMITTEE IS THE ADMINISTRATION
6 COMMITTEE, WHICH I CHAIR. AND I'D LIKE TO THANK
7 MR. JONES FOR CHAIRING THE ADMINISTRATION
8 COMMITTEE THIS MONTH WHILE I WAS OUT ILL.

9 ALL THE ITEMS HEARD AT THE MARCH
10 ADMINISTRATION COMMITTEE WERE 50-PERCENT
11 INITIATIVE ITEMS, WHICH WERE TAKEN UP AND ACTED
ON
12 YESTERDAY BY THE BOARD.

13 NOW WE'LL HAVE THE EXECUTIVE
14 DIRECTOR'S REPORT. MR. CHANDLER.

15 MR. CHANDLER: THANK YOU, MR.
CHAIRMAN,

16 AND GOOD MORNING, MEMBERS. I DO HAVE SEVERAL
17 ITEMS TO REPORT ON THIS MONTH, SO I'LL TRY TO
BE
18 BRIEF.

19 FIRST OF ALL, I'D LIKE TO GIVE
THE
20 BOARD THE REQUIRED UPDATE ON THE EMERGENCY
WAIVERS

21 THAT LEA'S HAVE GRANTED TO LANDFILLS AND
TRANSFER
22 STATIONS AS A RESULT OF THE WINTER FLOODS. AS
YOU
23 KNOW, LEA'S ARE ALLOWED TO WAIVE CERTAIN PERMIT
24 CONDITIONS AND STATE MINIMUM STANDARDS WHEN A
25 STATE OF EMERGENCY OR LOCAL EMERGENCY IS
DECLARED.

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1 NOW, THESE WAIVERS ARE LIMITED TO
2 ORIGIN OF WASTE, RATE OF INFLOW OR TONNAGE FOR
3 STORAGE, TRANSFER, PROCESSING, OR DISPOSAL OF
4 WASTE, THE TYPE AND MOISTURE CONTENT OF SOLID
5 WASTE, HOURS OF FACILITY OPERATION, STORAGE TIMES
6 BEFORE TRANSFER, PROCESSING, OR DISPOSAL OF
7 NONHAZARDOUS WASTE.

8 NOW, WAIVERS WERE ISSUED FOR SEVEN
9 LANDFILLS AND ONE MATERIAL RECOVERY FACILITY. THE
10 FIRST IN FRESNO COUNTY, FRESNO COUNTY ISSUED TWO
11 WAIVERS: AMERICAN AVENUE DISPOSAL SITE FOR DAILY
12 TONNAGE AND STORAGE OF FLOOD-RELATED WOOD DEBRIS,
13 AND THE COALINGA DISPOSAL SITE FOR DAILY TONNAGE.
14 MARIPOSA COUNTY ISSUED A WAIVER FOR THE MARIPOSA
15 COUNTY LANDFILL FOR DAILY TONNAGE.

16 MONO COUNTY ISSUED A WAIVER FOR THE
17 WALKER LANDFILL FOR DAILY TONNAGE. SAN JOAQUIN
18 COUNTY ISSUED THREE WAIVERS. LOVELACE MATERIALS
19 RECOVERY FACILITY AND TRANSFER STATION FOR HOURS
20 OF OPERATION, TONNAGE, WASTE TYPES, STORAGE TIMES,
21 AND TEMPORARY TRANSFER OR PROCESSING SITES. AND
22 THE FOOTHILL SANITARY LANDFILL FOR HOURS OF
23 OPERATION, TONNAGE, WASTE TYPES, STORAGE TIMES,
24 AND TEMPORARY TRANSFER OR PROCESSING SITES. AND
25 THE NORTH COUNTY RECYCLING CENTER AND SANITARY

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1 LANDFILL, AGAIN, FOR HOURS OF OPERATION, TONNAGE,
2 WASTE TYPE, STORAGE TIMES, AND TEMPORARY TRANSFER
3 OF PROCESSING SITES. AND FINALLY, YUBA COUNTY
4 ISSUED A WAIVER FOR THE OSTROM ROAD SANITARY
5 LANDFILL FOR HOURS OF OPERATION, TONNAGE, SPECIAL
6 WASTE PROHIBITION, AND TRAFFIC VOLUME LIMITS.

7 I ALSO WANT TO REPORT THAT I
8 MODIFIED THIS WAIVER BY DISALLOWING A PROPOSED
9 DAILY COVER WAIVER BECAUSE IT WAS NOT ALLOWED
10 UNDER THE EMERGENCY WAIVER REGULATIONS; HOWEVER, I
11 DID APPROVE A TEMPORARY DAILY COVER WAIVER UNDER
12 THE SUBTITLE D AUTHORITY AS DIRECTOR OF AN
13 APPROVED STATE.

14 WE EXPECT THAT A NUMBER OF OTHER
15 LEA'S MAY SUBMIT WAIVERS LATER THIS SPRING WHEN
16 LARGE PORTIONS OF FLOOD-RELATED CLEANUP WILL
17 ACTUALLY TAKE PLACE. IN ADDITION, SOME OF THE
18 LEA'S -- IN ADDITION, SOME OF THE LEA'S AND
19 OWNER/OPERATORS WERE INITIALLY UNCERTAIN ABOUT THE
20 EXTENT OF THE PERMIT CONDITIONS IN STATE MINIMUM
21 STANDARDS THAT COULD BE WAIVED. TO CLARIFY
22 MATTERS, STAFF IS PREPARING AN LEA ADVISORY TO
23 PROVIDE GUIDANCE ON THIS ISSUE.

24 SECOND, AS YOU MAY RECALL, THE
25 PERMITTING AND ENFORCEMENT COMMITTEE RECEIVED AN

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1 UPDATE AT LAST WEEK'S MEETING ON THE DEPARTMENT OF
2 FOOD AND AGRICULTURE'S REVIEW OF ITS JURISDICTION
3 OVER THE LAND APPLICATION OF NONHAZARDOUS ASH ON
4 AGRICULTURAL LANDS. MR. FRAZEE JUST SPOKE BRIEFLY
5 TO THIS. I'D LIKE TO ADD A FEW COMMENTS.

6 TWO DAYS BEFORE THE COMMITTEE
7 MEETING, WE RECEIVED A LETTER FROM THE DEPARTMENT
8 OF FOOD AND AG INFORMING US OF ITS DETERMINATION
9 THAT THEY VIEWED THE DEPARTMENT AS THE APPROPRIATE
10 AGENCY TO DETERMINE WHETHER ASH LAND APPLICATIONS
11 CONSTITUTES BENEFICIAL USE. THE LETTER STATED
12 THAT THE USE OF ASH THAT IS REGISTERED WITH THE
13 DEPARTMENT AND MEETING ITS STANDARDS WOULD BE
14 CONSIDERED BENEFICIAL USE AND NOT DISPOSAL.

15 BOARD STAFF WILL DRAFT REVISED
16 REGULATIONS TO ACCOMMODATE THE DEPARTMENT'S
17 POSITION AND BRING THEM BACK TO THE COMMITTEE
NEXT

18 MONTH. THESE REVISIONS WILL THEN BE CIRCULATED
19 FOR COMMENT AND RETURNED TO THE COMMITTEE AND
THE

20 BOARD FOR ADOPTION IN MAY.

21 NEXT I'D LIKE TO UPDATE THE BOARD
ON

22 THE RIGID PLASTIC PACKAGING CONTAINER RATE

23 PROCESS. STAFF CONDUCTED A MEETING ON MARCH
20TH
24 FOR PARTIES INTERESTED IN THE BOARD'S
CALCULATION
25 OF ITS 1996 RECYCLING RATE FOR RPPC'S AND TO

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1 COMMENT ON CASCADIA'S CONSULTING GROUP'S
2 EVALUATION OF EIGHT METHODS FOR CALCULATING THIS
3 RATE.

4 THE INTERESTED PARTIES ALSO RANKED
5 THE METHODOLOGIES AS TO ACCURACY AND AFFORD-
6 ABILITY, AMONG OTHER FACTORS. STAFF WILL
7 RECOMMEND A METHODOLOGY FOR DETERMINING A
8 RECYCLING RATE AT THE APRIL 16TH LOCAL ASSISTANCE
9 AND PLANNING COMMITTEE MEETING.

10 ADDITIONALLY, WE WILL INCLUDE A
11 SUMMARY OF THE MEETING AND SEND IT TO ALL
12 INTERESTED PARTIES FOR THEIR REVIEW. THE SUMMARY
13 WILL ALSO BE INCLUDED AS PART OF THE AGENDA
14 PACKAGE FOR THE APRIL LOCAL ASSISTANCE AND
15 PLANNING COMMITTEE MEETING.

16 AND AS MS. GOTCH JUST RECENTLY
17 MENTIONED, NOW THAT WE'RE CLOSE TO APRIL, THE
18 LEGISLATIVE PROCESS IS GEARING UP. I'D LIKE TO
19 ADD A FEW COMMENTS TO JUST HER REMARKS ABOUT ON
20 MONDAY, UPCOMING MONDAY, WE HAVE THE ASSEMBLY
21 COMMITTEE ON NATURAL RESOURCES IS HOLDING AN
22 INFORMATIONAL HEARING ON TIRES. EITHER THE
23 CHAIRMAN, MS. GOTCH, AND MYSELF WILL MAKE A
24 PRESENTATION. WE'RE STILL COORDINATING THAT.

BUT

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1 SPEAK ON THE ISSUE OF TIRES. THAT HEARING IS SET
2 FOR 1:30 P.M. IN ROOM 437 OF THE CAPITOL.

3 THE FOLLOWING MORNING AT 8 A.M. THE
4 ASSEMBLY COMMITTEE ON BUDGET, OUR SUBCOMMITTEE 3
5 ON RESOURCES WILL CONSIDER THE BUDGETS FOR MOST
6 CAL/EPA BOARDS, OFFICES, AND DEPARTMENTS. AND THE
7 CHAIRMAN AND I WILL OUTLINE THE BOARD'S BUDGET AT
8 THAT TIME. WE EXPECT QUESTIONS FROM THE MEMBERS
9 ON THE LAO'S RECOMMENDATIONS AND PROBABLY COMMENTS
10 FROM INTERESTED PARTIES AS WELL, AS WELL AS OUR
11 PROPOSED REDUCTIONS IN THE HOUSEHOLD HAZARDOUS
12 WASTE PROGRAM, THE TIRE BCP, AND PERHAPS OTHER
13 AREAS.

14 THE SUBCOMMITTEE MAY THEN VOTE ON
15 OUR BUDGET. IF IT DOES, THE MEMBERS CAN MAKE SOME
16 CHANGES AND LEAVE SOME ITEMS OPEN, OR THE PANEL
17 COULD DECIDE TO HOLD OFF ON THE ENTIRE PACKAGE
18 UNTIL A FOLLOW-UP HEARING ON UNADDRESSED ITEMS
19 THAT'S SCHEDULED FOR MAY 13TH.

20 AND LAST, AS MR. CHESBRO
MENTIONED,

21 I HAVE A FEW MORE DETAILS ON THE WORK THAT
WE'RE
22 DOING WITH OUR STEPWISE PROPOSE TO THE SRRE
AND

23 NONDISPOSAL FACILITY ELEMENT ENFORCEMENT THAT
WAS
24 REAFFIRMED BY THE BOARD LAST MONTH. STAFF
SENT
25 LETTERS TO 66 DELINQUENT JURISDICTIONS ASKING
FOR

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1 A COMPLIANCE SCHEDULE AND A STATUS REPORT ON
2 COMPLETING AND SUBMITTING THE LOCALLY ADOPTED
3 SRRE'S AND/OR THE NDFE'S BY MARCH 21ST. AND I'M
4 PLEASED TO REPORT THAT OF THE 66 DELINQUENT
5 JURISDICTIONS, 35 HAVE SUBMITTED THE REQUESTED
6 COMPLIANCE SCHEDULE AND 13 OTHERS HAVE FILED
7 EITHER THE ELEMENTS OR ADDITIONAL INFORMATION
8 NEEDED FOR COMPLETION.

9 THERE HAS STILL BEEN NO CONTACT FROM
10 14 OF THE DELINQUENT JURISDICTIONS. STAFF IS NOW
11 PREPARING AN AGENDA ITEM FOR THE APRIL COMMITTEE
12 AND BOARD MEETING, SPELLING OUT RECOMMENDED
13 ACTIONS FOR THE COMMITTEE THAT HAVE SUBMITTED
14 COMPLIANCE SCHEDULES THAT GO OUT TO 120 DAYS OR
15 BEYOND THOSE THAT STILL HAVE OUTSTANDING
16 DOCUMENTATION AND THOSE THAT HAVE NOT RESPONDED
17 ADEQUATELY.

18 THE AGENDA ITEM WILL IDENTIFY THOSE
19 LOCAL JURISDICTIONS RECOMMENDED FOR HEARINGS
20 BEFORE THE BOARD IN MAY FOR NOT RESPONDING TO OUR
21 REQUEST FOR A COMPLIANCE SCHEDULE, AND THE AGENDA
22 ITEM WILL ALSO LAY OUT CRITERIA FOR PENDING
23 HEARINGS BY THE BOARD TO CONSIDER FURTHER
24 ADMINISTRATIVE PENALTIES.

25 I'D LAST LIKE TO SAY THANK YOU TO

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1 MR. CHESBRO FOR ACKNOWLEDGING LORNA GRAGG AS OUR
2 NEWLY APPOINTED IN-HOUSE WASTE PREVENTION
3 COORDINATOR. AND WITH THAT, THAT CONCLUDES MY
4 REPORT.

5 CHAIRMAN PENNINGTON: THANK YOU, MR.
6 CHANDLER. ANY QUESTIONS OF MR. CHANDLER? OKAY.
7 WE'LL NOW MOVE TO THE CONSENT CALENDAR, ITEM 24.
8 CONSENT CALENDAR INCLUDES ITEMS 26 THROUGH 31, 33,
9 34, 37, 38, 40, 42, AND 45 THROUGH 47. ANY
10 MEMBERS WHO WISHES TO PULL ANYTHING FROM THE
11 CONSENT CALENDAR? IF NOT, I'LL ENTERTAIN A
12 MOTION.

13 BOARD MEMBER FRAZEE: I'LL MOVE ADOPTION
14 OF THE CONSENT CALENDAR, MR. CHAIRMAN.

15 BOARD MEMBER RELIS: SECOND.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
17 AND SECONDED. WILL THE SECRETARY PLEASE CALL THE
18 ROLL.

19 BOARD SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: AYE.

21 BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE:

AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 BOARD SECRETARY: JONES.

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1 BOARD MEMBER JONES: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 CHAIRMAN PENNINGTON: AYE. MOTION

5 CARRIES.

6 OKAY. MOVE TO ITEM 48,

7 CONSIDERATION TO REVISE THE DESIGNATION, APPROVAL,

8 AND CERTIFICATION OF THE INYO COUNTY DEPARTMENT OF

9 ENVIRONMENTAL HEALTH SERVICES AS THE LOCAL

10 ENFORCEMENT AGENCY FOR INYO COUNTY TO A

11 PROBATIONARY STATUS. MR. DIER.

12 MR. DIER: DON DIER, MANAGER OF THE

13 PERMITS BRANCH, PINCH-HITTING FOR DOROTHY RICE

14 TODAY. TOM UNSELL OF THE P&E DIVISION WILL

15 PRESENT THIS ITEM, AND WITH HIM AT THE TABLE IS

16 GABE ABOUSHANAB OF STAFF AND BOB KENNEDY, DIRECTOR

17 OF THE LEA PROGRAM AT INYO COUNTY.

18 MR. UNSELL: MORNING, CHAIRMAN AND BOARD

19 MEMBERS. FIRST OF ALL, I WOULD LIKE TO COMMEND

20 INYO COUNTY FOR BEING ONE OF THE FIRST

21 JURISDICTIONS TO REQUEST BOARD ASSISTANCE AND

22 TECHNICAL ASSISTANCE IN 1993-1994 AS THEY

WERE

23 DEVELOPING THEIR PROGRAM, RECOGNIZING THE

24 SIGNIFICANT ISSUES THAT THEY WERE DEALING

WITH
25 WITHIN THEIR JURISDICTION IN THEIR SOLID
WASTE

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1 MANAGEMENT OVERSIGHT.

2 THROUGH THAT PROCESS, THE BOARD
3 STAFF, THE LEA STAFF, STAFF FROM THE REGIONAL
4 WATER QUALITY CONTROL BOARD, AND THE OPERATOR
5 JOINTLY MET AT THE TABLE OVER A SERIES -- A SERIES
6 OF MONTHS, AND SIGNIFICANT TIME WAS PUT IN WITH
7 THEM AND THE CONSULTANT TO DEVELOP A LONG-RANGE
8 FIVE-YEAR PLAN, WHICH WAS THEN TO BRING ALL OF THE
9 FACILITIES WITHIN THEIR JURISDICTION INTO
10 COMPLIANCE.

11 DURING THE COURSE OF THE EVALUATION
12 OF THE LOCAL ENFORCEMENT AGENCY PROGRAM, THERE
13 WERE SOME AREAS THAT WERE IDENTIFIED THAT WHERE
14 THE LOCAL ENFORCEMENT AGENCY WAS NOT FULFILLING
15 ALL OF THEIR RESPONSIBILITIES; AND AS IDENTIFIED
16 IN THE PROCEDURE FOR EVALUATIONS OF THE LOCAL
17 ENFORCEMENT AGENCIES THAT WE HAVE FOLLOWED FOR THE
18 LAST THREE AND A HALF YEARS, IT IDENTIFIED THAT
19 THE LOCAL ENFORCEMENT AGENCY DEVELOP A WORK PLAN
20 TO BRING THEIR PROGRAM INTO COMPLIANCE.

21 FOLLOWING THE DEVELOPMENT OF A WORK
22 PLAN, THAT SAME PROCEDURE IDENTIFIES THAT IT BE
23 MONITORED EVERY THREE MONTHS FOR A DURATION OF
24 NINE MONTHS TO ASSURE THAT THE WORK PLAN IS IN
25 COMPLIANCE. THE WORK PLAN THAT WAS ACCEPTED BY

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1 THE BOARD STAFF AND THE LEA INCORPORATED THE
2 FIVE-YEAR PLAN THAT HAD BEEN JOINTLY DEVELOPED
3 WITH THE MULTI-AGENCIES INVOLVED.

4 THE -- WE FIND OURSELVES HERE TODAY
5 BECAUSE OF THE FACT THAT FOLLOWING THE NINE-MONTH
6 MONITORING PERIOD, THERE WERE A NUMBER OF DATES
7 THAT HAD SLIPPED IN THE FIVE-YEAR WORK PLAN. WE
8 HAVE BEEN IN CLOSE CONTACT WITH THE LOCAL
9 ENFORCEMENT AGENCY AND BOB AND HIS STAFF, CHERYL
10 HAWKINS, AND IDENTIFIED SPECIFIC REVISION DATES
11 NOT TO PUSH THE FIVE-YEAR PLAN, BUT TO INCORPORATE
12 TO BE COMPLIED WITH WITHIN THE FIVE-YEAR PLAN TO
13 ASSURE COMPLIANCE.

14 OUR PROCEDURES FOR EVALUATIONS OF
15 LOCAL ENFORCEMENT AGENCIES DOES IDENTIFY THAT THIS
16 IS THE NEXT STEP, BRINGING BEFORE YOU THE VARIOUS
17 OPTIONS THAT YOU AS THE BOARD MAY WISH TO TAKE.

18 IN YOUR PACKET THERE ARE EIGHT
19 OPTIONS. DURING THE PERMITTING AND ENFORCEMENT
20 COMMITTEE PACKET PRESENTATION, BOARD STAFF HAD
21 RECOMMENDED A COMBINATION OF OPTION 6 AND 7, WHICH
22 WOULD BE A COMBINATION OF PLACING THE JURISDICTION
23 ON PROBATION FOR A SPECIFIED TIME AND SHOULD
24 APPROPRIATE ENFORCEMENT ACTIONS NOT BE TAKEN FOR
25 OUTSTANDING ISSUES DURING THAT TIME PERIOD OF

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1 PROBATION, THAT THE BOARD STAFF THEN WOULD STEP IN
2 FOR THAT PORTION OF THE PROGRAM ONLY AND TAKE THE
3 APPROPRIATE ENFORCEMENT ACTION ENSURING
4 COMPLIANCE.

5 DURING THE DISCUSSION COMMITTEE
6 MEMBER RELIS ASKED THAT WE REVISE THE RESOLUTION
7 TO INCORPORATE TWO SPECIFIED ITEMS. THE
8 RESOLUTION THAT YOU DO HAVE IN YOUR PACKET, I
9 BELIEVE, NOW SHOULD INDICATE THAT THE PERIOD OF
10 PROBATIONARY TIME WOULD BE UNTIL OCTOBER 1ST OF
11 1997, AT WHICH TIME THAT WE AS BOARD STAFF WOULD
12 BRING THIS ITEM BACK TO YOU FOR AN UPDATE.

13 SECONDLY, THE BOARD MEMBER RELIS
14 IDENTIFIED MORE FREQUENT INSPECTIONS. AND IT WAS
15 OUR UNDERSTANDING, AND PLEASE CORRECT ME IF I'M
16 INCORRECT, THAT FOR THOSE JURISDICTIONS THAT ARE
17 OUT OF COMPLIANCE AT THIS POINT WITH THE WORK
18 PLAN, THOSE WOULD BE THE SITES TARGETED FOR THE
19 MORE FREQUENT INSPECTIONS BY THE LOCAL ENFORCEMENT
20 AGENCY TO ENSURE COMPLIANCE.

21 AND LASTLY, WE ALSO -- OUR DEPUTY
22 DIRECTOR, DOROTHY RICE, RESPONDED TO A QUESTION
23 AND REQUEST BY MR. KENNEDY THAT WHAT IS THIS GOING
24 TO LOOK LIKE. YOU KNOW, IF YOU'VE GOT A MINOR
25 LITTER VIOLATION, ARE WE IMMEDIATELY GOING TO TAKE

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1 OVER OR ARE WE IN SOME OTHER MODE? SO THE LAST OF
2 THE RESOLUTION IDENTIFIES THAT THE CIWMB
3 ASSUMPTION OF THE AGENCY'S ENFORCEMENT DUTIES TO
4 ASSURE APPROPRIATE ENFORCEMENT ACTIONS ARE TAKEN
5 FOR SIGNIFICANT OUTSTANDING ISSUES AS DETERMINED
6 BY THE BOARD. FOR EXAMPLE, THERE'S A SPECIFIED
7 DATE OR TWO SPECIFIED DATES FOR SUBMITTALS OF
8 PROPOSED PERMITS. AND IF THOSE DATES WERE MISSED,
9 WE DEFINITELY WOULD CONSIDER THOSE AS SIGNIFICANT.

10 AND IN CONJUNCTION WITH ANY OTHER
11 ISSUES, WE WOULD BE WORKING EXTREMELY CLOSELY WITH
12 THE LOCAL ENFORCEMENT AGENCY TO DETERMINE ANY
13 OTHER ITEMS.

14 IF YOU WISH, GABE ABOUSHANAB HERE
15 COULD GO INTO DETAIL ON THE TWO SPECIFIC SITES
16 THAT ARE OF OUTSTANDING ISSUE AT THIS POINT, AND
17 THAT'S BISHOP SUNLAND AND LONE PINE LANDFILL WHERE
18 IF YOU HAVE ANY QUESTIONS, AND AGAIN THE DIRECTOR
19 OF ENVIRONMENTAL HEALTH AND THE LEA PROGRAM, BOB
20 KENNEDY, IS HERE TO ADDRESS YOU AS WELL AS NEEDED.

21 CHAIRMAN PENNINGTON: OKAY. ANY
22 QUESTIONS OF MR. UNSELL? MR. KENNEDY, DO YOU HAVE
23 ANY COMMENTS YOU'D LIKE TO MAKE?

24 MR. KENNEDY: NOT REALLY AT THIS TIME. I
25 THINK EVERYTHING IS IN PLACE IN OUR COUNTY FOR THE

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1 NEXT SEVEN MONTHS, AND IT'S OUR HOPE THAT WE'LL BE
2 BACK ON TRACK BY OCTOBER AND CAN MOVE FORWARD ON
3 THIS.

4 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

5 BOARD MEMBER RELIS: MR. CHAIR, I'D JUST
6 LIKE TO ACKNOWLEDGE. WE DID HEAR A PRESENTATION
7 AS WELL FROM THE SUPERVISOR. I FORGET HER NAME.

8 MR. KENNEDY: JULIE BEAR.

9 BOARD MEMBER RELIS: JULIE BEAR. AND
SHE

10 PRESENTED, I THINK, AN ENCOURAGING PICTURE FOR
OUR

11 PROSPECTS FOR COMPLIANCE HERE. I FELT THAT,
GIVEN

12 WHAT I HEARD, THAT WE COULD FORESHORTEN THIS
13 SYSTEM, AND THAT'S WHY I MOVED THAT WE SHORTEN
THE

14 DATE TO OCTOBER, AND I THINK WE ALL AGREED WITH
15 THAT.

16 CHAIRMAN PENNINGTON: OKAY. FINE. ANY
17 OTHER QUESTIONS OF THE STAFF OR MR. KENNEDY? IF
18 NOT, I'LL ENTERTAIN A MOTION.

19 BOARD MEMBER FRAZEE: I'LL MOVE
ADOPTION

20 OF RESOLUTION 97-86.

21 BOARD MEMBER RELIS: SECOND.

22 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
23 MOVED AND SECONDED. IF THERE'S NO FURTHER
24 DISCUSSION, WILL THE SECRETARY CALL THE ROLL,
25 PLEASE.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: AYE.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: AYE.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 BOARD SECRETARY: JONES.

8 BOARD MEMBER JONES: AYE.

9 BOARD SECRETARY: RELIS.

10 BOARD MEMBER RELIS: AYE.

11 BOARD SECRETARY: CHAIRMAN PENNINGTON.

12 CHAIRMAN PENNINGTON: AYE. MOTION

13 CARRIES. THANK YOU.

14 NOW WE'RE GOING TO MOVE TO ITEM 39,
15 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT
16 FOR THE MESQUITE REGIONAL LANDFILL IN IMPERIAL
17 COUNTY. BEFORE WE HEAR THE STAFF PRESENTATION OR
18 TESTIMONY BEFORE THE APPLICANT AND THE PUBLIC, I
19 WANT TO SAY A FEW WORDS ABOUT THE NATURE OF THE
20 BOARD'S DECISION TODAY.

21 THE QUESTION BEFORE US IS WHETHER TO
22 CONCUR IN OR OBJECT TO THE ISSUANCE OF A SOLID
23 WASTE FACILITY PERMIT PROPOSED BY THE LOCAL
24 ENFORCEMENT AGENCY OF IMPERIAL COUNTY. STATE LAW
25 PROVIDES THAT WE ARE TO CONSIDER ONLY WHETHER THE

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1 PROPOSED PERMIT IS CONSISTENT WITH STATE MINIMUM
2 STANDARDS WITHIN THIS BOARD'S JURISDICTION.

3 THE ISSUES BEFORE US ARE ESSENTIALLY
4 TECHNICAL IN CHARACTER. WE ARE NOT AUTHORIZED TO
5 ADDRESS THE LAND USE SETTING DECISION MADE BY
6 IMPERIAL COUNTY WHICH HAS GRANTED A CONDITIONAL
7 USE PERMIT AND RELATED APPROVALS FOR THE PROJECT,
8 NOR ARE WE ALLOWED TO OBJECT TO THE PROPOSED
9 PERMIT BASED UPON CONCERNS WHICH ARE WITHIN THE
10 JURISDICTION OF THE REGIONAL WATER QUALITY BOARD
11 OR THE AIR POLLUTION CONTROL DISTRICT.

12 IN SHORT, THE BOARD HAS
13 JURISDICTIONS OVER ISSUES RELATED TO THE STATE
14 MINIMUM STANDARDS CONTAINED IN THE PUBLIC
15 RESOURCES CODE. IF THE PROPOSED PERMIT MEETS
16 STATE MINIMUM STANDARDS, WE MUST CONCUR IN THE
17 PERMIT. MR. DIER.

18 MR. DIER: MR. CHAIRMAN, THIS ITEM WAS
19 DISCUSSED AT LENGTH LAST WEEK IN THE PERMITTING
20 AND ENFORCEMENT COMMITTEE, WHICH FORWARDED TO
21 THE

22 BOARD ON A THREE ZERO VOTE RECOMMENDING
23 CONCURRENCE. PRESENTING THE BRIEF, SHORTENED
24 PRESENTATION THIS MORNING WILL BE AMALIA
FERNANDEZ

AND SUZANNE HAMBLETON OF STAFF AND GERALD QUICK

25 FROM THE LOCAL ENFORCEMENT AGENCY.

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1 MS. FERNANDEZ: GOOD MORNING. THE
2 PROPOSED PERMIT FOR THE NEW FACILITY IDENTIFIES
3 ARID OPERATIONS INCORPORATED AS THE OPERATOR AND
4 GOLD FIELDS MINING CORPORATION AS THE LANDOWNER;
5 IN ADDITION, WESTERN WASTE, A SUBSIDIARY OF USA
6 WASTE, AND SB ENVIRONMENTAL SYSTEMS ARE PARTNERS
7 IN THE PROJECT.

8 THIS ITEM WAS PRESENTED TO THE
9 PERMITTING AND ENFORCEMENT COMMITTEE MEMBERS AT
10 THEIR MARCH 19TH MEETING. PLEASE NOTE THAT I HAVE
11 JUST DISTRIBUTED A COPY OF THE PERMIT THAT
12 REFLECTS CHANGES ON PAGE 3, SECTION 15.
13 SPECIFICALLY THESE CHANGES WERE MADE TO CORRECT
14 SOME TYPOGRAPHICAL ERRORS. AT THE SAME TIME THE
15 ADDENDUM TO THE FINAL EIR AND THE RECORDING DATE
16 OF THE CUP ARE NOT REFERENCED IN THE PERMIT.

17 A COPY OF THE PERMIT IS AVAILABLE IN
18 THE BACK OF THIS ROOM.

19 THE PROPOSED PROJECT WILL OCCUPY
20 4,250 ACRES OF WHICH 2,290 ACRES WILL BE USED FOR
21 DISPOSAL. THE ESTIMATED DAILY MUNICIPAL SOLID
22 WASTE TONNAGES WILL BE 4,000 TONS PER DAY FOR YEAR
23 ONE OF OPERATION, INCREASING UP TO 20,000 TONS PER
24 DAY AFTER YEAR SEVEN OF OPERATION. THE LIFE OF
25 THE PROPOSED FACILITY WILL BE APPROXIMATELY A

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1 HUNDRED YEARS AT THE PERMITTED RATE OF 20,000 TONS
2 PER DAY.

3 THE POTENTIAL MARKET REGION FOR THE
4 MESQUITE REGIONAL LANDFILL IS THE SEVEN SOUTHERN
5 CALIFORNIA COUNTIES: LOS ANGELES, IMPERIAL, SAN
6 DIEGO, VENTURA, ORANGE, SAN BERNARDINO, AND
7 RIVERSIDE.

8 THE WASTE WILL BE TRANSPORTED BY
9 RAIL AND WILL INITIALLY COME FROM THE LOS ANGELES
10 AREA. TRANSPORT OF WASTE-BY-RAIL TO THE FACILITY
11 FROM AREAS OTHER THAN THE LOS ANGELES REGION WILL
12 REQUIRE FURTHER ANALYSIS UNDER THE CALIFORNIA
13 ENVIRONMENTAL QUALITY ACT AS DESCRIBED IN THE
14 CONDITIONAL USE PERMIT.

15 MUNICIPAL SOLID WASTE FROM IMPERIAL
16 COUNTY MAY BE DELIVERED TO THE SITE BY TRUCK IF
17 THE COUNTY DECIDES IN THE FUTURE TO INCLUDE THE
18 REGIONAL LANDFILL IN ITS MUNICIPAL SOLID WASTE
19 DISPOSAL PLANS. MUNICIPAL SOLID WASTE FROM
20 IMPERIAL COUNTY WOULD NEED TO BE PROCESSED
THROUGH

21 A TRANSFER STATION OR A MRF PRIOR TO DISPOSAL AT
22 THE REGIONAL LANDFILL.

23 THE MESQUITE REGIONAL LANDFILL
WILL

24 RECEIVE MUNICIPAL SOLID WASTE THAT HAS BEEN

25 PROCESSED THROUGH A TRANSFER STATION OR MRF.
THE

180

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1 OWNER OR OPERATOR OF ANY TRANSFER STATION OR MRF
2 OR OTHER SOLID WASTE OPERATION WISHING TO SEND
3 MUNICIPAL SOLID WASTE RESIDUE TO THE MESQUITE
4 REGIONAL LANDFILL WILL BE REQUIRED TO ENTER INTO A
5 CONTRACTUAL AGREEMENT, STIPULATING, AMONG OTHER
6 THINGS, THAT THE JURISDICTIONS GENERATING THE
7 MUNICIPAL SOLID WASTE HAVEN'T ADOPTED AN
8 UP-TO-DATE SOURCE REDUCTION AND RECYCLING ELEMENT
9 THAT HAS BEEN APPROVED BY THE CIWMB AND THAT THE
10 JURISDICTION IS MAKING GOOD FAITH EFFORTS AS
11 DETERMINED BY THE CIWMB TO COMPLY WITH THIS PLAN.
12 MUNICIPAL SOLID WASTE RESIDUE WILL NOT BE ACCEPTED
13 FROM TRANSFER STATIONS OR MRF'S OR OTHER SOLID
14 WASTE OPERATIONS THAT SERVE JURISDICTIONS THAT
15 CANNOT MEET THE STIPULATION.

16 THE PROPOSED PERMIT WILL ALLOW THE
17 OPERATOR TO TEMPORARILY STORE UP TO 600,000 TONS
18 OF RECYCLABLE MATERIALS. THE STORAGE OF THESE
19 MATERIALS IS A SERVICE THAT THE OPERATOR MAY
20 PROVIDE TO THE TRANSFER STATIONS OR MRF'S DUE
21 TO
22 MARKETING CONSTRAINTS.

23 THE RECYCLED MATERIALS WILL BE
24 TRANSPORTED TO THE LANDFILL IN CONTAINERS THAT
ARE
SIMILAR TO THOSE THAT WILL BE USED FOR

MUNICIPAL

25 SOLID WASTE RESIDUE EXCEPT THAT THEY WILL BE

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1 SPECIALLY TAGGED TO IDENTIFY THE CONTENTS AS
2 RECYCLABLE MATERIALS. THESE MATERIALS COULD BE
3 STORED AT THE LANDFILL FOR UP TO TWO YEARS. AT
4 THE END OF THIS TIME, THE RECYCLABLE MATERIALS MAY
5 BE RETURNED TO THE ORIGINATING JURISDICTION OR,
6 DEPENDING ON THE MARKET CONDITIONS, COULD BE
7 LANDFILLED. IT IS DECIDED -- IF IT IS DECIDED
8 THAT THE MATERIALS WILL BE LANDFILLED, THE
9 OPERATOR WILL NEED TO OBTAIN APPROVAL FROM THE LEA
10 AND THE CIWMB.

11 THE PROPOSED LANDFILL IS DESIGNED TO
12 MEET OR EXCEED STATE AND FEDERAL DESIGN REQUIRE-
13 MENTS FOR CLASS III DISPOSAL FACILITIES. THE
14 PROPOSED DESIGN INCLUDES ENVIRONMENTAL MONITORING
15 AND CONTROL SYMPTOMS WHICH WILL BE INSTALLED IN
16 PHASES AS THE LANDFILL IS CONSTRUCTED.

17 STAFF HAVE REVIEWED THE PROPOSED
18 PERMIT AND ACCOMPANYING DOCUMENTATION AND HAVE
19 DETERMINED THAT THEY'RE SUITABLE FOR BOARD'S
20 CONSIDERATION OF CONCURRENCE. BOARD STAFF,
21 THEREFORE, RECOMMEND THE BOARD ADOPT PERMIT
22 DECISION NO. 97-89, CONCURRING IN THE ISSUANCE
23 OF
24 SOLID WASTE FACILITY PERMIT NO. 13-AA-0026. MR.
25 ROBERT FILLER, REPRESENTING THE PROPONENT, IS
 PRESENT TO ANSWER YOUR QUESTIONS.

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1 MS. HAMBLETON: SUZANNE HAMBLETON. I
2 JUST WANTED TO ADD THAT WE HAVE RECEIVED SEVERAL
3 PIECES OF CORRESPONDENCE IN THE LAST WEEK. AND
4 THAT AFTER READING THE CORRESPONDENCE, WE HAVE NOT
5 CHANGED OUR RECOMMENDATION OF CONCURRENCE, AND
6 THAT YOU WILL BE HEARING TESTIMONY FROM SOME OF
7 THE AUTHORS OF THIS CORRESPONDENCE MOMENTARILY.

8 CHAIRMAN PENNINGTON: OKAY. I'M SURE WE
9 WILL. THE LEA, IS IT MR. QUICK?

10 MR. QUICK: CHAIRMAN PENNINGTON, MEMBERS
11 OF THE BOARD, MY NAME IS GERALD QUICK, CONTACT
12 PERSON FOR IMPERIAL COUNTY LEA. I'M GOING TO KEEP
13 MINE VERY BRIEF SINCE MOST OF YOU HEARD LAST
14 WEEK'S DISSERTATIONS.

15 BUT WE HAVE FELT AFTER FIVE YEARS OF
16 REVIEW, REREVIEW UNTIL WE'RE TIRED OF LOOKING AT
17 IT THAT WE'RE CONFIDENT THAT THE FACILITY
18 OPERATIONS WILL BE IN FULL COMPLIANCE WITH THE
19 STATE MINIMUM STANDARDS. EVERY EFFORT WAS MADE IN
20 OUR REVIEWS TO SEE THAT THE PUBLIC HEALTH, SAFETY,
21 AND ENVIRONMENT WAS BEING PROTECTED.

22 AGAIN, MY DEPARTMENT DIRECTOR HAS
23 ASSURED THE LEA THAT WE WILL HAVE ADEQUATE STAFF
24 IN THE COUNTY TO PROPERLY MONITOR AND INSPECT NOT
25 ONLY THIS FACILITY, BUT THE OTHER FACILITIES

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1 WITHIN IMPERIAL COUNTY.

2 AND LASTLY, I WOULD PUBLICLY LIKE TO
3 PERSONALLY THANK JOHN CLINKENBEARD AND AMALIA
4 FERNANDEZ OF YOUR BOARD STAFF FOR WORKING WITH THE
5 LEA IN THEIR USUAL PROFESSIONAL DEMEANOR. THANK
6 YOU VERY MUCH.

7 CHAIRMAN PENNINGTON: THANK YOU. ANY
8 QUESTIONS OF STAFF OR MR. QUICK? IF NOT, I'LL GO
9 TO THE OPPOSITION FIRST. EDITH HARMON WITH THE
10 SIERRA CLUB OF SAN DIEGO.

11 MS. HARMON: EDITH HARMON, SIERRA CLUB
12 SAN DIEGO CHAPTER, AND I'M ALSO A RESIDENT OF
13 IMPERIAL COUNTY.

14 I'VE SUBMITTED A NUMBER OF LETTERS
15 AND COMMENTS, AND I WOULD ADD THAT THE COMMENTS
16 THAT I PROVIDED YESTERDAY, I SUBMITTED A
17 CORRECTION THIS MORNING. I NOTED I HAD LEFT OUT
18 THE WORD "SIERRA CLUB" WITH REGARD TO CALIFORNIA
19 LANDFILL POLICY. THE SIERRA CLUB DOES HAVE A
20 CALIFORNIA LANDFILL POLICY, AND I DIDN'T MEAN TO
21 IMPLY THAT WE WERE INSTRUMENTAL IN DEVELOPING THE
22 STATE'S POLICY BECAUSE IF WE HAD ANY INPUT, I
23 REALLY AM NOT -- THAT WAS BEFORE MY TIME.

24 AND WITH REGARD TO THE WASTE BOARD
25 REGULATIONS, TITLE 14, I WAS WORKING FROM A COPY

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1 WHICH IS DATED OCTOBER 1991; SO WHEN I CITED
2 ARTICLE 6.2, IT BEGINS SECTION 18730 IN MY COPY,
3 AND I WAS NOT ABLE TO MATCH IT UP WHEN I CAME AND
4 PICKED UP YOUR 1996 COPY. BUT ARTICLE 6.2 WAS
5 SOURCE REDUCTION AND RECYCLING ELEMENTS, AND IT
6 REFERENCES A NUMBER OF DIFFERENT PLACES. SO MY
7 APOLOGIES FOR THAT.

8 WHAT I WOULD LIKE TO ADDRESS IS JUST
9 SEVERAL TOPICS WHICH I'VE COVERED IN WRITING, BUT
10 I'D LIKE TO REITERATE AGAIN. AND THE SIERRA CLUB
11 IS RECOMMENDING THAT YOU A TAKE A POSITION
12 OPPOSING THE PERMIT APPLICATIONS ON A NUMBER OF
13 GROUNDS. WE ARE VERY CONCERNED WITH THE WHOLE
14 PROCESS BEFORE THE WASTE BOARD.

15 THE WASTE BOARD HAS OBVIOUSLY FROM
16 THE STATEMENTS BEEN WORKING WITH THE PROJECT
17 APPLICANT AND WITH THE COUNTY FOR TWO YEARS PRIOR
18 TO THE DECISION BY THE IMPERIAL COUNTY BOARD OF
19 SUPERVISORS AND THEN AN ADDITIONAL YEAR AFTER
20 THAT. THE PUBLIC HAS NOT BEEN INVOLVED THAT FULL
21 TIME. THE INITIAL ENVIRONMENTAL REVIEW FOR THE
22 EIR HAD A 90-DAY COMMENT PERIOD. THERE WERE
23 HUNDREDS OF COPIES OF THE EIR THAT WERE
24 DISTRIBUTED FOR PUBLIC REVIEW TO PEOPLE IN
25 IMPERIAL COUNTY AND TO ORGANIZATIONS. WE HAD AN

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1 OPPORTUNITY TO COMMENT. THERE WAS A PERIOD TO
2 COMMENT ON THE FINAL DOCUMENT, AND THEN THERE WERE
3 PUBLIC HEARINGS HELD LOCALLY SO THAT THOSE THAT
4 HAD CONCERNS ABOUT THE PROJECT DID HAVE AN
5 OPPORTUNITY TO PARTICIPATE.

6 IN THIS INSTANCE, EVEN THE SIERRA
7 CLUB AND FOUR OTHER ENVIRONMENTAL ORGANIZATIONS
8 FILED A LAWSUIT IN SUPERIOR COURT CHALLENGING THE
9 COUNTY'S APPROVAL OF THE EIR. WE WERE NOT
10 NOTIFIED AT THE VERY BEGINNING OF THE PROCESS
11 BEFORE THE WASTE BOARD. IT WAS ONLY WELL INTO THE
12 PROCESS THAT WE BECAME AWARE THAT AN APPLICATION
13 HAD BEEN FILED. IT WAS ONLY THE DAY BEFORE THE
14 HEARING BEFORE THE PERMITTING AND ENFORCEMENT
15 COMMITTEE THAT I FINALLY RECEIVED A COPY OF THE
16 PERMIT.

17 I RECEIVED A COPY THAT MORNING FROM
18 BOTH THE COUNTY LEA AND THEN WHEN I ARRIVED AT
19 THE
20 SIERRA CLUB OFFICE, THERE WAS A COPY WAITING
21 FOR
22 ME. SO I ACTUALLY HAD LESS THAN 24 HOURS
23 BEFORE
24 THE PERMITTING AND ENFORCEMENT COMMITTEE TO
25 REVIEW

22 THE PERMIT. AND AS A RESULT OF THAT, I WASN'T
23 ABLE TO MAKE IT TO THE HEARING. I SPENT TIME
AND
24 WAS UP MOST OF THE NIGHT REVIEWING THINGS AND
THEN
25 SUBMITTING ANOTHER COMMENT LETTER THAT MORNING,

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1 AND HOPEFULLY IT REACHED THE PERMITTING AND
2 ENFORCEMENT COMMITTEE IN TIME.

3 BUT THAT CLEARLY IS NOT ADEQUATE
4 TIME FOR PUBLIC PARTICIPATION AND PUBLIC REVIEW
5 FOR PUBLIC COMMENT. ONE OF THE REAL CONCERNS WE
6 HAD AT THAT TIME WAS THE PERMIT THAT WAS SUBMITTED
7 BY THE COUNTY, BY THE APPLICANT THROUGH THE COUNTY
8 TO THE WASTE BOARD, REFERENCED THE EIR THAT WAS
9 APPROVED BY THE IMPERIAL COUNTY BOARD OF
10 SUPERVISORS IN SEPTEMBER OF 1994 -- I MEAN 1995.
11 AT NO POINT IN THAT PERMIT COULD I FIND REFERENCE
12 TO THE FACT THAT THERE HAD BEEN A LAWSUIT
13 CHALLENGING THE ADEQUACY OF THAT EIR. AT NO PLACE
14 IN THAT PERMIT COULD I FIND ANY REFERENCE TO THE
15 FACT THAT THE COURT HAD FOUND PORTIONS OF THE EIR
16 TO BE INADEQUATE, INCLUDING THE PROJECT
17 DESCRIPTION WHICH REFERENCED WASTE COMING FROM
18 SEVEN SOUTHERN CALIFORNIA COUNTIES.

19 IT'S VERY TROUBLING WHEN THE PUBLIC
20 DOESN'T HAVE AN ADEQUATE TIME TO GO THROUGH
21 DOCUMENTS AND FIND SOMETHING AS SERIOUS AS THAT
22 BECAUSE THE COURT HAS ORDERED CHANGES. THE COURT
23 WILL NOT BE CONVENING AGAIN UNTIL APRIL 14TH TO
24 MAKE ANY DETERMINATION AS TO THE ADEQUACY OF THE
25 ADDENDUM WHICH WAS ADOPTED BY THE BOARD OF

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1 SUPERVISORS, WHICH IS MENTIONED UNDER SECTION 15
2 OF THE WASTE FACILITY PERMIT.

3 SO EVEN THOUGH AN ADDENDUM HAS BEEN
4 ACTED ON BY THE IMPERIAL COUNTY BOARD OF
5 SUPERVISORS, WE AT THIS POINT DO NOT KNOW WHAT THE
6 RULING OF THE COURT IS GOING TO BE AS TO THE
7 ADEQUACY OF THAT DOCUMENT. AND FOR THAT REASON,
8 WE WERE CAUGHT OFF GUARD. WE WERE CAUGHT OFF
9 GUARD BY THE FACT THAT THIS PERMIT APPLICATION WAS
10 COMING BEFORE THE BOARD AT THIS TIME BECAUSE AS
11 FAR AS WE KNEW, THE FINAL APPROVAL ON THE EIR OR
12 THE ADEQUACY OF THE EIR HAD NOT BEEN MADE. AND
13 THE COURT IN THE DOCUMENTS, AND I ORIGINALLY WAS
14 GOING TO SUBMIT ALL THE MINUTE ORDERS, THE
15 JUDGMENT, AND A COPY OF THE PEREMPTORY WRIT, BUT
16 WHEN I REALIZE IT WAS REFERENCED IN THE PERMIT
17 APPLICATION THAT I GOT A COPY OF ON THE 18TH, I
18 DIDN'T SUBMIT BECAUSE I ASSUMED THAT THE BOARD AND
19 YOUR STAFFS WOULD HAVE HAD AN OPPORTUNITY TO
20 REVIEW THOSE.

21 I WOULD ALSO ADD THAT HAVING
22 HEARINGS -- CONDUCTING HEARINGS ON AN IMPORTANT
23 ISSUE SUCH AS THIS, PARTICULARLY A LANDFILL WHERE
24 WE'RE TALKING ABOUT AN OPERATION THAT PROPOSES TO
25 TAKE 20,000 TONS OF MUNICIPAL SOLID WASTE AND

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1 OPERATE FOR A PERIOD OF A HUNDRED YEARS IS HELD SO
2 FAR AWAY THAT REPRESENTATIVES OF ORGANIZATIONS
3 THAT ARE CONCERNED AND THE CONCERNED PUBLIC REALLY
4 HAS A DIFFICULT TIME IN BEING ABLE TO MAKE IT UP
5 TO SACRAMENTO TO ATTEND A HEARING.

6 I PARTICIPATED IN THE CAMPO LANDFILL
7 PUBLIC HEARINGS THAT WERE HELD IN SAN DIEGO. I
8 FELT THAT SAN DIEGO WAS A REASONABLE PLACE TO HAVE
9 A PUBLIC HEARING FOR A PROJECT THAT WAS LOCATED IN
10 SAN DIEGO COUNTY. AND THE CAMPO LANDFILL
11 HEARING -- CAMPO LANDFILL WAS VERY SMALL BY
12 COMPARISON TO THE MESQUITE REGIONAL LANDFILL.
13 THAT WAS A PROPOSAL OF 3,000 TONS OF WASTE A DAY
14 AND NOT ANYWHERE NEAR A HUNDRED-YEAR LIFE.

15 WHEN I LOOK AT THE PROVISIONS OF
16 ARTICLE 6.2 IN THE TITLE 14 THAT I HAVE FROM THE
17 1991, AND THEN LOOK AT SECTION 40041 OF YOUR NEW
18 REGULATIONS, I REALIZE THAT THE PRIORITY OF
19 DECISIONS FOR THIS BOARD IS FIRST SOURCE
20 REDUCTION; NO. 2, RECYCLING AND COMPOSTING; NO. 3,
21 ENVIRONMENTALLY SAFE TRANSFORMATION AND
22 ENVIRONMENTALLY SAFE LANDFILL DISPOSAL AT THE
23 DISCRETION OF THE CITY AND COUNTY. AND THAT THE
24 FIRST WORD, MY UNDERSTANDING IS, FOR THE STATE IS
25 THAT WE REDUCE THE AMOUNT OF WASTE THAT WE

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1 GENERATE.

2 WHEN YOU LOOK AND CONSIDER APPROVING
3 A PROJECT THAT WOULD TAKE 20,000 TONS OF WASTE FOR
4 A PERIOD OF A HUNDRED YEARS, THERE'S NO NEED IN
5 THE EYES OF MOST OF THE JURISDICTIONS TO LOOK AT
6 SOURCE REDUCTION, WASTE ELIMINATION BECAUSE
7 THERE'S AN OPTION. IT'S IN SOMEBODY ELSE'S
8 BACKYARD. IT'S A LONG WAYS AWAY. IT'S LIKELY TO
9 BE LONG-TERM CONTRACTS. AND THAT RAISES SERIOUS
10 QUESTIONS IN MY MIND ABOUT THE POLICIES OF THE
11 STATE AND THE INTEGRATED WASTE MANAGEMENT BOARD
12 BECAUSE I REALIZE -- AND I'M ALSO AN ACTIVE
13 PARTICIPANT IN THE PROCESS RELATED TO THE EAGLE
14 MOUNTAIN LANDFILL. THE EAGLE MOUNTAIN LANDFILL IS
15 ANOTHER 20,000 TON A DAY PROPOSED WASTE FACILITY.

16 AND THEN WE HAVE A THIRD ONE IN SAN
17 BERNARDINO COUNTY FOR ANOTHER 20,000 TONS A DAY,
18 HUNDRED-YEAR LIFE LANDFILL. THESE DON'T LOOK --
19 WHEN I LOOK AT ALL THESE PROJECTS COLLECTIVELY, IT
20 MAKES ME WONDER WHAT IS THE STATE'S TRUE POLICY
21 WITH REGARD TO REDUCTION OF THE AMOUNT OF WASTE
22 THAT WE'RE GENERATING, THE MATERIALS THAT WE'RE
23 USING.

24 WHEN WE LOOK AT THE POTENTIAL FOR
25 STORING 600,000 TONS OF RECYCLABLE MATERIAL AT A

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1 REMOTE SITE WHICH IS HUNDREDS OF MILES FROM THE
2 COMMUNITIES OF ORIGIN AND THE COMMUNITIES OF
3 GENERATION, HUNDREDS OF MILES FROM ANY POTENTIAL
4 MARKET, AND I LOOK AT THE EIR AND IT TALKED ABOUT
5 ULTIMATELY LANDFILLING THAT MATERIAL IF IT WASN'T
6 GOING TO BE RECYCLED, IT'S HARD TO IMAGINE THAT
7 THERE'S REALLY GOING TO BE A MARKET. YOU
8 TRANSPORT IT ONCE A COUPLE HUNDRED MILES, THEN YOU
9 TRANSPORT BACK TO THE CITIES OR THE COUNTIES THAT
10 IT CAME FROM FOR RECYCLING. THERE'S SOMETHING
11 ABOUT THE WHOLE PROCESS THERE THAT DOESN'T MAKE
12 SENSE TO ME.

13 ANOTHER ASPECT THAT'S A REAL CONCERN
14 FOR US IS THERE HAS BEEN NEW INFORMATION RELATED
15 TO THIS LANDFILL PROJECT THAT HAS COME TO OUR
16 ATTENTION AFTER THE COUNTY'S APPROVAL OF THE EIR,
17 AFTER THE FILING OF THE LAWSUIT IN SUPERIOR COURT,
18 AFTER THE DECISION OF THE BOARD OF SUPERVISORS TO
19 APPROVE THE ADDENDUM AND MODIFY THE PERMIT. AND
20 THAT IS THAT THIS JANUARY THE SANTA FE PACIFIC
21 GOLD CORPORATION APPLIED TO THE COUNTY AND
22 RECEIVED A CONDITIONAL USE PERMIT FOR EXPANDING
23 THE RATE OF OPERATIONS OF THE GOLD MINE. THEY
24 RECEIVED A PERMIT FOR A 50-PERCENT INCREASE IN
25 EXPANSION OF THE RATE OF EXTRACTING AND PROCESSING

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1 ORE.

2 THE EIR FOR THE LANDFILL TALKED
3 ABOUT OPERATIONS WINDING DOWN. NOT ONLY DID SANTA
4 FE PACIFIC OBTAIN A CONDITIONAL USE PERMIT FOR
5 EXPANDING THE RATE OF OPERATIONS, BUT RECENTLY,
6 AND I ATTACHED AS AN EXHIBIT FOR THE COMMENTS LAST
7 WEEK, THE BUREAU OF LAND MANAGEMENT HAS SIGNED A
8 RECORD OF DECISION, TRANSFERRING 657 ACRES OF LAND
9 IMMEDIATELY ADJACENT TO AND NORTH OF THE EXISTING
10 MESQUITE MINE TO THE CALIFORNIA STATE LANDS
11 COMMISSION.

12 THAT 657 ACRES WAS WRITTEN INTO AND
13 INCLUDED AS PART OF THE CALIFORNIA DESERT
14 PROTECTION ACT, WHICH PASSED IN OCTOBER OF 1994.
15 I WAS NOT AWARE OF THIS TRANSFER AND ALL OF THE
16 SPECIFIC DETAILS OF THE CALIFORNIA DESERT
17 PROTECTION ACT, NOT AWARE OF THIS LAND TRANSFER
18 UNTIL WE GOT A NOTICE OF PROPOSED LAND EXCHANGE
19 FROM BLM LAST SUMMER. AND THE LAND EXCHANGE HAS
20 BEEN COMPLETED. WHEN I SPOKE WITH STEVE SEKELSKY
21 AT THE STATE LANDS COMMISSION, HE INDICATED THAT
22 THE LANDS COMMISSION IS IN THE PROCESS OF
23 PREPARING LEASE ARRANGEMENTS WITH SANTA FE
PACIFIC
24 GOLD, THAT THEY HAD BEEN WORKING ON THIS FOR

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1 OBVIOUSLY BLM KNEW ABOUT THIS
2 IMPENDING TRANSACTION AND IS CO-LEAD AGENCY FOR
3 THE EIS/EIR PREPARED FOR THE MESQUITE REGIONAL
4 LANDFILL. WE BELIEVE THAT BLM HAD AN OBLIGATION
5 TO DISCLOSE THIS INFORMATION TO THE PUBLIC AND
6 DECISION MAKERS AT EVERY LEVEL. IF THERE ARE
7 VALUABLE GOLD DEPOSITS, AND THAT IS MY UNDER-
8 STANDING, THAT THERE ARE THERE.

9 AND I SPOKE WITH CHET LITTLEDIKE,
10 WHO'S THE ENVIRONMENTAL COORDINATOR -- I'M NOT
11 SURE OF HIS EXACT POSITION, BUT HE WORKS FOR SANTA
12 FE PACIFIC GOLD AND I SPOKE WITH HIM LAST WEEK.
13 HE INDICATED TO ME THAT HE UNDERSTANDS THERE ARE
14 PROPOSALS TO BEGIN EXPLORATORY DRILLING ON THAT
15 LAND TOWARD THE MIDDLE OR THE END OF APRIL.
16 OBVIOUSLY THIS IS NOT FAR OFF. THIS IS
17 INFORMATION THAT SHOULD HAVE BEEN INCLUDED AND
18 DISCUSSED IN AT LEAST THE CUMULATIVE IMPACT
19 SECTION OF THE EIS/EIR.

20 I REVIEWED THE CUMULATIVE IMPACTS
21 DISCUSSION. THERE IS NO DISCUSSION OF POTENTIAL
22 EXPANSION OF THE MINING OPERATIONS. THE MINING
23 OPERATIONS EXPAND, THAT MEANS THERE'S GOING TO BE
24 CHANGES TO AIR IMPACTS. THERE MAY BE CHANGES IN
25 THE AMOUNT -- CERTAINLY IN THE AMOUNT AND
DURATION

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1 OF WATER NEEDS FOR MINING OPERATION BECAUSE
2 CYANIDE HEAP LEACH MINING REQUIRES WATER FOR THE
3 LEACHING PROCESS. AND I UNDERSTAND THAT SOME OF
4 THESE ASPECTS ARE NOT UNDER THE PURVIEW OF YOUR
5 BOARD, BUT WE'RE TALKING ABOUT WHETHER OR NOT THE
6 EIR THAT WAS APPROVED BY THE BOARD OF SUPERVISORS,
7 THE ADDENDUM THAT WAS APPROVED BY THE BOARD AND IS
8 GOING TO BE CONSIDERED BY THE COURT IS REALLY
9 ADEQUATE, AN ADEQUATE CEQA DOCUMENT UPON WHICH
10 THIS BODY CAN BASE ITS DECISION.

11 IF YOU WISH TO CONSIDER THE PERMIT,
12 SIERRA CLUB ARGUES THAT YOU NEED TAKE CEQA LEAD.
13 THERE NEEDS TO BE ADDITIONAL ENVIRONMENTAL REVIEW
14 BEFORE ANY PERMIT CAN FINALLY BE APPROVED.

15 I HAVE A NUMBER OF OTHER ISSUES, BUT
16 WE'VE PUT THEM IN WRITING IN LETTERS, AND I THINK
17 PERHAPS KEEPING IT BRIEF IS THE BEST. BUT I DO --
18 I AM CONCERNED, AND I WOULD ADD THAT THE COURT
19 WHEN IT CONVENES ON APRIL 14TH, I HAVE NO IDEA
20 WHETHER THE JUDGE WOULD BE OR WHAT THE JUDGE'S
21 POSITION WITH REGARD TO THE PROPOSED EXPANSION OF
22 THE MESQUITE MINE IS GOING TO BE BECAUSE THIS IS
23 ALL INFORMATION THAT HAS COME TO LIGHT AFTER THE
24 ORIGINAL ADDENDUM THAT WAS PREPARED BY THE COUNTY
25 AND ACTED UPON BY THE BOARD OF SUPERVISORS. SO

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1 THIS IS SOMETHING THAT HAS NEVER BEEN ADDRESSED
2 BEFORE THE COURT.

3 DO YOU HAVE ANY QUESTIONS?

4 CHAIRMAN PENNINGTON: THANK YOU, MS.
5 HARMON. ANY QUESTIONS OF MS. HARMON?

6 BOARD MEMBER RELIS: WELL, I WONDERED IF
7 WE COULD AT THIS TIME, SINCE SOME QUESTIONS HAVE
8 BEEN RAISED AT THE OUTSET ABOUT THE PROCESS, I'D
9 LIKE TO SEE WHAT THE LEA AND WITH OUR STAFF JUST
10 GOING BACK TO THE NOTICING AND THE DISTRIBUTION OF
11 THE PERMIT. I'D LIKE TO ASK THE LEA WHAT
12 INTERACTION DID YOU HAVE WITH THE SIERRA CLUB
13 REGARDING GETTING DOCUMENTS OUT TO THEM VIS-A-VIS
14 THE PERMIT APPLICATION?

15 MR. QUICK: CHAIRMAN PENNINGTON, MEMBER
16 RELIS, GERALD QUICK AGAIN WITH THE LEA. WE REALLY
17 WEREN'T THE LEAD AGENCY IN THIS. AND TO BE FRANK
18 ABOUT IT, WE HAD NO OFFICIAL REQUEST FROM EDIE
19 HARMON OR ANY OTHER PERSON OR ENTITY TO PROVIDE
20 THEM WITH ANY OF OUR MATERIALS RELATED TO THE
21 PERMIT APPLICATION, PROPOSED PERMIT, OR ANYTHING
22 ELSE.

23 WE WEREN'T OBLIGATED. WE HAD NO
24 OBLIGATION TO DO THAT. THE LEAD AGENCY POSTED
25 EVERYTHING. THE LEAD AGENCY WAS WELL AWARE OF ALL

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1 THE DOCUMENTS THAT WE HAD. THEY HAD COPIES OF ALL
2 THE DOCUMENTS. THEY WERE ALL AVAILABLE TO THE
3 PUBLIC. AND THAT WAS NOTICED IN OUR NEWSPAPER
4 THAT THE BOARD USES IN IMPERIAL COUNTY.

5 BOARD MEMBER RELIS: SO IT WAS NOTICED IN
6 THE LOCAL PAPER.

7 MR. DIER: MR. RELIS, I MAY OFFER THIS.
8 UNDER OUR PERMITTING PROCESS AND THE REGULATIONS
9 THIS BOARD ADOPTED A NUMBER OF YEARS AGO, THERE
10 ARE SPECIFIC PROVISIONS FOR LEA'S MAINTAINING
11 LISTS OF PENDING APPLICATIONS. AND IT FURTHER
12 REQUIRES LEA'S TO PROVIDE NOTICE TO PEOPLE WHO
13 HAVE REQUESTED SUCH NOTICE.

14 I BELIEVE MR. QUICK INDICATED THAT
15 HE HAD RECEIVED NO SUCH REQUEST, AND SO HE HAD NO
16 KNOWLEDGE TO, YOU KNOW, PROVIDE THAT INFORMATION
17 ABOUT THE APPLICATION AND PERMIT. BUT WE DO HAVE
18 THOSE PROVISIONS IN THIS PROCESS TO FACILITATE
19 THAT PUBLIC INVOLVEMENT.

20 BOARD MEMBER RELIS: AND JUST FOLLOWING
21 UP IN TERMS OF OUR INTERNAL MATTERS, I BECAME
22 AWARE OF, I THINK, YOUR CONCERN ABOUT THE
23 AVAILABILITY OF CERTAIN DOCUMENTS FROM US. AND SO
24 LAST -- I WENT ON VACATION, LET'S SEE, RIGHT AFTER
25 OUR PERMITS HEARING AND MADE AN INQUIRY TO OUR

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1 STAFF ABOUT WHETHER THE DOCUMENTS HAD GONE OUT AS
2 REQUESTED. COULD WE HEAR FROM MS. TOBIAS, PERHAPS
3 LEGAL?

4 MS. TOBIAS: WHAT WE SUGGESTED WHEN WE
5 RECEIVED NOTICE THAT THE SIERRA CLUB WANTED TO GET
6 THAT INFORMATION IS WE SUGGESTED TO THEM THAT THEY
7 COULD EITHER ACCESS THE VOLUMES OF INFORMATION,
8 WHICH I THINK OUR PARALEGAL, DONNA FOX, SAID
9 BASICALLY THERE WERE AROUND, I MAY EXAGGERATE, BUT
10 FIVE FEET OF DOCUMENTS IN THE FILE ROOM TO BE
11 LOOKED AT IN TERMS OF THE MESQUITE FILE. SO WE
12 SAID THAT THEY COULD EITHER ACCESS THESE DOCUMENTS
13 AT THE LEA'S OFFICE BECAUSE THAT WAS MORE LOCAL
14 AND AN EASIER PLACE TO GET TO, OR THEY COULD
15 ACCESS THEM IN OUR FILE ROOM. SO THEY COULD HAVE
16 BASICALLY DONE IT EITHER PLACE.

17 BOARD MEMBER RELIS: I TAKE IT, AND I
18 DON'T KNOW WHAT YOUR SPECIFIC INTEREST WAS, BUT I
19 ASSUME IT WAS IN THE PERMIT LANGUAGE SPECIFICALLY.

20 MS. HARMON: PERMIT LANGUAGE AND TO FIND
21 OUT WHAT THE BACKGROUND DOCUMENTS ARE. AND I
22 SHOULD ADD, I OBVIOUSLY MISSED THE NOTICE IN THE
23 NEWSPAPER; BUT WHEN IT COMES TO OTHER DOCUMENTS,
24 I'M ON MAILING LISTS. I GET THINGS FROM THE
25 COUNTY ON A DAILY BASIS, BUT I DID NOT GET A

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1 NOTICE OF THIS. I GET EIR'S ON A REGULAR BASIS
2 WITHOUT HAVING TO KNOW THAT THEY'RE THERE. THE
3 COUNTY AND BLM KNOW THAT I AND THE SIERRA CLUB ARE
4 INTERESTED PARTIES, AND SO WE'RE ON MAILING LISTS.
5 AND LIKE I SAID, WE HAD TO GET THE BIGGEST MAILBOX
6 JUST SO THAT WE COULD HAVE THINGS DELIVERED.

7 WITH REGARD TO REVIEWING DOCUMENTS,
8 OBVIOUSLY COMING UP TO SACRAMENTO TO REVIEW
9 DOCUMENTS IS OUT OF THE QUESTION IN TERMS OF THE
10 COST AND THE TIME FRAME. AND WHEN I DID GO TO THE
11 COUNTY LEA OFFICE, I WAS TOLD TO COME BACK, THAT
12 IT WAS NOT CONVENIENT FOR THEM BECAUSE OF STAFFING
13 FOR ME TO REVIEW THE DOCUMENTS.

14 IF I DIDN'T KNOW, I WAS ASKED WHAT
15 SPECIFIC PIECES OF PAPERS DID I WANT TO REVIEW.
16 MY PROBLEM WAS I HAD NO IDEA WHAT ALL THE
17 INFORMATION WAS. WE WANTED TO SEE IT, SO I MADE
18 ARRANGEMENTS TO GO BACK THE NEXT DAY AND THERE
19 WAS, AS MR. QUICK KNOWS, A WINDOW OF OPPORTUNITY
20 OF ABOUT TWO HOURS. I WAS ALSO TOLD I COULD COME
21 BACK TWO HOURS YESTERDAY, AND I FINALLY DECIDED
22 THAT I COULD SPEND THE TWO HOURS MORE PROFITABLY
23 LOOKING THROUGH EPA REGULATIONS, WASTE BOARD
24 REGULATIONS, AND REVIEWING AGAIN RATHER THAN
25 DRIVING AN HOUR EACH WAY TO REVIEW THE DOCUMENTS

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1 OUT THAT MY OFFICE REQUESTED THAT SIERRA CLUB BE
2 NOTIFIED WHEN THE PERMIT CAME IN, AND APPARENTLY
3 THAT WASN'T DONE, OUR STAFF NOTIFY --

4 MS. HARMON: IT WAS NOT DONE AT THE
5 BEGINNING. SO AS FAR AS WE'RE CONCERNED, PART OF
6 IT IS THERE'S A TIMING PROCESS. AND WHEN I DID
GO

7 TO THE LEA, MR. QUICK VERY GENEROUSLY SPENT TIME
8 WITH ME. HE SHOWED ME WHAT HE THOUGHT WAS THE
9 MOST IMPORTANT, WHICH WAS THE STAFF ANALYSIS AND
10 THE PERMIT APPLICATION. QUITE FRANKLY, I WAS
11 OVERWHELMED, AS HE KNOWS, WHEN I SAW THE WHOLE
12 BOOKCASE FULL OF DOCUMENTS AND PAPERS. THERE'S
NO

13 WAY IN TWO HOURS OR FOUR HOURS I COULD HAVE MADE
14 SENSE OF THAT INFORMATION. IT WAS JUST TOO MUCH
15 INFORMATION AND TOO SHORT A NOTICE.

16 AND AS I SAY, THIS IS A MAJOR
17 DECISION. I CAN'T THINK OF ANY OTHER PROJECT
18 WHERE IMPERIAL COUNTY OR ANYONE ELSE HAS
19 CONSIDERED APPROVING A PERMIT FOR A PROJECT WITH
A
20 HUNDRED-YEAR POTENTIAL LIFE SPAN. WHEN WE LOOK
AT
21 THE CHANGES THAT HAVE TAKEN PLACE IN CALIFORNIA

OR

22 ANYPLACE ELSE DURING THE PAST HUNDRED YEARS, IT'S
23 REALLY INCOMPREHENSIBLE TO ME. AND I CAN'T
24 BELIEVE THAT GIVEN THE PHILOSOPHY OF THIS STATE
IN
25 THE PAST DECADE, THAT THERE AREN'T GOING TO BE

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1 MAJOR CHANGES IN THE WAY WE LOOK AT HOW WE DEAL
2 WITH THE KINDS AND QUANTITIES OF WASTE THAT WE AS
3 A SOCIETY ARE GENERATING.

4 AND THE QUESTION, LOOKING A HUNDRED
5 YEARS INTO THE FUTURE, FROM WHAT I'VE READ ABOUT
6 AVAILABILITY OF OIL SUPPLIES, GAS AND OTHER FUEL
7 SOURCES, ARE WE GOING TO BE REALLY TRANSPORTING
8 WASTE HUNDREDS OF MILES BY TRAIN OR ANY OTHER
9 MEANS TO A REMOTE LOCATION? IS THIS GOING TO BE
10 THE TYPES OF ACTIVITIES WE'RE UNDERTAKING? AND I
11 THINK THAT APPROVING, AS AN INDIVIDUAL, I CAN'T
12 IMAGINE THE OMINOUSNESS OF THAT KIND OF A
13 DECISION.

14 MS. TOBIAS: MR. CHAIR, IN RESPONSE TO
15 MR. RELIS' POINT, I WOULD FURTHER ADD, WITHOUT
16 TAKING AWAY FROM MS. HARMON'S COMMENTS IN TERMS OF
17 PUBLIC PARTICIPATION, I DO WANT TO POINT OUT THAT
18 REALLY THE CEQA PROCESS IS THE PLACE WHERE, IN MY
19 OPINION, THE LEGISLATURE ANTICIPATES THAT THE BULK
20 OF PUBLIC PARTICIPATION WILL OCCUR. IT HAS
21 EXTENSIVE REQUIREMENTS FOR PUBLIC PARTICIPATION
22 FOR CITIZENS WHO ARE EITHER SOPHISTICATED OR NOT
23 TO COME INTO THAT PROCESS TO BE ABLE TO HAVE AN
24 INFLUENCE ON THE DOCUMENT, TO HAVE THEIR COMMENTS
25 RESPONDED TO AND TO LITIGATE THAT DOCUMENT IF
THEY

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1 FEEL THAT THAT'S NOT SUFFICIENT TO DISCUSS THE
2 PROJECT IMPACTS.

3 I THINK THAT OUR REQUIREMENTS IN
4 TERMS OF PUBLIC PARTICIPATION FOR THE BOARD ARE
5 MUCH MORE NARROW PARTIALLY BECAUSE THE PUBLIC
6 PARTICIPATION DOES TAKE PLACE IN THE CEQA PROCESS
7 IN A DOCUMENT THAT OUR STAFF THEN USES. BECAUSE
8 WE HAVE A MUCH MORE TECHNICAL AND NARROW PERMIT,
9 WHICH IS DISCUSSED IN THE ENVIRONMENTAL DOCUMENTS,
10 THAT DOES NOT PRECLUDE OR TAKE AWAY FROM OUR
11 RESPONSIBILITY TO LET PEOPLE KNOW WHEN WE KNOW
12 THEY ARE INTERESTED IN THE PROCESS, BUT I DON'T
13 THINK THAT THE LEGISLATURE REALLY ANTICIPATED THAT
14 YOU WOULD HAVE THE SAME LEVEL OF PUBLIC
15 PARTICIPATION HERE AS YOU WOULD IN THE CEQA
16 PROCESS. THAT'S NOT TO SAY THAT WE DON'T HAVE
17 RESPONSIBILITIES.

18 BUT THERE REALLY IS A DIFFERENCE
19 WHERE THAT PUBLIC PARTICIPATION OCCURS, AND
20 THERE'S A REASON FOR THAT. THAT EIR REALLY SERVES
21 AS THE BASELINE DOCUMENT. IT IS THE PLACE WHERE
22 EVERYONE, THE RESPONSIBLE AGENCY AND THE CITIZENS,
23 HAVE AN OPPORTUNITY TO GET IN THERE AND TRY TO
24 MAKE THEIR VIEWS KNOWN, AND THEN THAT DOCUMENT
25 MOVES FORWARD WITH THE PROJECT. SO I JUST WANTED

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1 TO ADD THAT.

2 MS. HARMON: EXCUSE ME. COULD I ADD ONE
3 THING TO THAT? THAT'S PRECISELY WHY AT THIS POINT
4 WE FEEL THAT LOCAL PARTICIPATION IS SO IMPORTANT.
5 BECAUSE THE PERMIT APPLICATION BEFORE THIS BOARD,
6 AS IT WAS ORIGINALLY SUBMITTED, RELIED ON AND
7 REFERENCED ONLY THE CEQA DOCUMENT, THE EIR, THAT
8 WAS APPROVED BY THE BOARD OF SUPERVISORS IN
9 SEPTEMBER 1995. IT MADE NO REFERENCE TO THE FACT
10 THAT THAT DOCUMENT AND PORTIONS OF THAT DOCUMENT
11 HAD BEEN FOUND INADEQUATE BY THE COURT,
12 PARTICULARLY WITH REGARDS TO THE PROJECT
13 DESCRIPTION, WHERE THE WASTE COULD COME FROM, THAT
14 ADDITIONAL ENVIRONMENTAL REVIEW WAS NEEDED.

15 IF THE PUBLIC DOESN'T HAVE THE
16 OPPORTUNITY TO REVIEW AND TAKE A LOOK AT THE
17 THINGS THE BOARD IS BEING ASKED TO DECIDE ON, WE
18 DON'T HAVE THE OPPORTUNITY TO BRING THAT TO YOUR
19 LIGHT. IF THE COUNTY AND THE APPLICANT WERE NOT
20 FORTHCOMING WITH THE FACT THAT THERE HAD BEEN
21 LITIGATION AND THAT THERE HAD BEEN A JUDGMENT OF
22 THE COURT WITH REGARD TO THE ASPECTS OF ADEQUACY
23 OF CERTAIN PORTIONS OF THE EIR, WOULD IT HAVE BEEN
24 BROUGHT TO YOUR ATTENTION IF WE HAD NOT BROUGHT IT
25 TO YOUR ATTENTION? IF YOU HAD APPROVED A PERMIT

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1 WHICH DID NOT REFERENCE CHANGES THAT WERE REQUIRED
2 BY THE COURT, THAT PUTS -- IT SEEMS TO ME THAT
3 PUTS THE BOARD IN JEOPARDY AND THAT THE PERMIT IS
4 INADEQUATE.

5 AND I CAN UNDERSTAND BECAUSE THE
6 APPLICANT ARGUED VEHEMENTLY THAT THEY SHOULD BE
7 ABLE TO ACCEPT WASTE FROM SEVEN SOUTHERN
8 CALIFORNIA WITHOUT DOING AN ADDITIONAL
9 ENVIRONMENTAL REVIEW. THE COURT SAID NO. THE
10 ORIGINAL ANALYSIS THAT I SAW ON THIS PROJECT MADE
11 NO REFERENCE TO THAT LITIGATION.

12 I WOULD ALSO ADD AND HAVE IN WRITING
13 THAT WITH REGARD TO THE LAND EXCHANGE, THE
14 DECISION OF THE FEDERAL DISTRICT COURT IN SAN
15 DIEGO HAS BEEN APPEALED TO THE NINTH CIRCUIT. SO
16 WE DON'T KNOW THE OUTCOME OF THAT. ARE THERE ANY
17 OTHER QUESTIONS?

18 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

19 BOARD MEMBER RELIS: I'LL HAVE MORE
20 LATER, BUT I'LL STOP RIGHT NOW.

21 BOARD MEMBER CHESBRO: I WANT TO MAKE
22 SURE I UNDERSTAND YOUR CONTENTION, MS. HARMON,
23 ABOUT WITH REGARDS TO THE RELATIONSHIP BETWEEN
24 WHETHER THE MINING ACTIVITY IS ENDING OR
EXPANDING

25 AND HOW THAT RELATES TO THIS SOLID WASTE PERMIT.

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1 MS. HARMON: IT RELATES TO THE ADEQUACY
2 OF THE ENVIRONMENTAL REVIEW THAT WAS MADE. THE
3 EIR UPON WHICH THE COUNTY APPROVED AND THE
4 ADDENDUM TO THAT EIR MAKES NO REFERENCE TO THE
5 FACT THAT THE CUMULATIVE IMPACTS DISCUSSION IN THE
6 EIR. THERE WAS NO DISCUSSION THAT THE, RATHER,
7 WINDING DOWN AND CLOSING THE OPERATION OF THE
8 MESQUITE MINE IS ACTUALLY GOING TO EXPAND SO THAT
9 ALL KINDS OF IMPACTS, LIKE INCREASED AIR IMPACTS,
10 LONGER-TERM, HIGHER RATE OF WATER CONSUMPTION BY
11 THE MINE OPERATION AND THE LANDFILL OPERATION
12 TOGETHER. THESE WERE NOT ADDRESSED IN THE EIR.
13 SO I THINK THE PORTIONS OF THE EIR ARE NOW
14 INADEQUATE BASED ON INFORMATION WE NOW KNOW, BUT
15 WHICH I CONTEND THAT THE PROJECT APPLICANT AND BLM
16 KNEW DURING THE PROCESS, AND THAT INFORMATION WAS
17 SIMPLY WITHHELD FROM THE PUBLIC.

18 BOARD MEMBER CHESBRO: SO YOU'RE SAYING
19 THE ENVIRONMENTAL REVIEW ASSUMED THAT THERE WAS
20 GOING TO BE REDUCTION IN IMPACTS FROM THE MINE?

21 MS. HARMON: RIGHT.

22 BOARD MEMBER CHESBRO: AND THAT THAT IS
23 NOW IN QUESTION?

24 MS. HARMON: THAT IS NOT GOING TO BE THE
25 CASE. BECAUSE -- AND I SPOKE WITH A REPRESENTA-

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1 TIVE OF THE MINE COMPANY AND I'VE SPOKEN WITH THE
2 STATE LANDS COMMISSION, AND THERE IS NO DOUBT THAT
3 SANTA FE PACIFIC IS GOING TO BE LOOKING TO EXPAND
4 AND START DRILLING -- EXPLORATORY DRILLING AND
5 EXPANDING THE OPERATION INTO THAT SQUARE MILE.

6 AND, IN FACT, THE ORE DEPOSITS IN
7 THAT AREA ARE BELIEVED TO BE SO RICH, THAT THE BLM
8 IN ITS LAND EXCHANGE, IN MY DISCUSSION WITH THE
9 BLM AREA MANAGER, TERRY REED, AND WITH STEVE
10 SEKELSKY AT THE STATE LANDS COMMISSION, ARE THAT
11 THE ORE DEPOSIT IS SO RICH THAT IN ADDITION TO THE
12 LAND EXCHANGE, BLM STANDS POTENTIALLY TO RECEIVE
13 260,000 ACRES OF STATE LAND FOR THE ONE SQUARE
14 MILE. AND THEN AFTER ALL OF THE LANDS FROM THE
15 STATE LANDS COMMISSION HAVE BEEN EXCHANGED TO BLM,
16 THEN BLM WILL RECEIVE ADDITIONAL ROYALTIES AS A
17 PERCENTAGE OF THE ROYALTIES THAT GO TO THE STATE
18 LANDS COMMISSION.

19 SO THIS IS -- I HAVE BEEN LED TO
20 BELIEVE THAT THIS IS NOT AN INSIGNIFICANT
21 POTENTIAL MINING OPERATION IN THAT AREA, AND IT IS
22 MOST LIKELY THAT THE OPERATOR OF THAT MINE WOULD
23 BE SANTA FE PACIFIC GOLD CORPORATION BECAUSE THE
24 PARCEL IS SURROUNDED ON THREE SIDES BY THE MARINE
25 CORPS GUNNERY RANGE AND ONE SIDE ON THE SOUTH BY

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1 THE MESQUITE MINE. THERE IS NO OTHER ACCESS TO
2 THAT SQUARE MILE SECTION. IT'S TWO HALF SECTIONS
3 ADJACENT TO EACH OTHER, BUT IMMEDIATELY NORTH.
4 AND I UNDERSTAND THAT THERE HAS BEEN HISTORIC GOLD
5 MINING OPERATIONS THERE.

6 BOARD MEMBER RELIS: MR. CHAIR, COULD
7 I -- NOW I FEEL COMPELLED TO ASK JUST TO CLARIFY
8 THIS MATTER OF THE EIR AND WHAT WE ARE REFERENCING
9 AS THE EIR HERE AND WHAT HAS BEEN STATED. I READ
10 THE BACKGROUND DOCUMENTS ON THIS, INCLUDING THE
11 JUDGMENTS, AND I UNDERSTAND THE FACET YOU REFERRED
12 TO, MS. HARMON, AS THE QUESTION OF WHERE THE WASTE
13 WAS GOING TO COME FROM AND THE COURT RULING OR THE
14 DETERMINATION THAT THIS WOULD BE ONLY THE SP MAIN
15 LINE. IS THAT --

16 MS. HARMON: YES, ONLY FROM THE LOS
17 ANGELES.

18 BOARD MEMBER RELIS: ANY OTHER WASTE
19 COMING TO THE FACILITY BY ANY OTHER RAIL LINE
20 WOULD REQUIRE SUPPLEMENTAL OR ADDITIONAL EIR
21 REVIEW. I BELIEVE THAT'S BEEN DETERMINED.

22 BUT YOU'VE RAISED THIS ISSUE OF
THIS
23 EXPANDED GOLD OPERATION, WHICH IS NOT PART OF
THE
24 MATERIAL WE RECEIVED. SO I WONDERED IF WE COULD

25 JUST GET A VERY CLEAR AND CONCISE STATEMENT
ABOUT

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1 THE STATUS OF THE EIR REVIEW FOR PURPOSES OF OUR
2 DECISION TODAY.

3 MS. TOBIAS: WOULD YOU MIND IF I ASKED
4 CEQA STAFF TO COME UP AND TALK ABOUT THAT FIRST?
5 THEY'VE TALKED TO THE COUNTY, AND THEN I COULD
6 FILL IN ANYTHING BEHIND THAT IF THAT'S OKAY WITH
7 YOU.

8 MR. DE BIE: MARK DE BIE WITH THE WASTE
9 MANAGEMENT BOARD, THE ENVIRONMENTAL REVIEW
10 SECTION. IF I COULD HEAR THE QUESTION AGAIN. I'M
11 SORRY.

12 BOARD MEMBER RELIS: WELL, WE'VE HEARD
13 STATEMENTS BY MS. HARMON REGARDING THE ADEQUACY, I
14 GUESS, OF THE EIR ON WHICH WE ARE MAKING A
15 DECISION TODAY. STAFF HAS DETERMINED, AND THAT'S
16 WHY THE PERMIT IS BEFORE US, THAT THE EIR -- WITH
17 THE RECOMMENDATION THAT THE EIR IS ADEQUATE. I
18 WOULD LIKE TO HEAR, AS ONE MEMBER, STAFF'S
19 ASSESSMENT, ASSURANCE THAT THE EIR PROCESS AND THE
20 INFORMATION CONTAINED IN THAT EIR IS, IN FACT,
21 ADEQUATE FOR THE DECISION-MAKING THAT WE HAVE TO
22 DO TODAY.

23 MS. TOBIAS: I BELIEVE MR. RELIS IS
24 SPECIFICALLY REFERRING TO THE MINING ACTIVITY, THE
25 CHANGE THAT THE SIERRA CLUB IS REFERRING TO.

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1 MR. DE BIE: IF I COULD HAVE YOUR
2 INDULGENCE AND JUST GIVE YOU A LITTLE BIT OF
3 BACKGROUND. WITH ANY SOLID WASTE FACILITY PROJECT
4 AND PERMIT PROJECT, WASTE BOARD STAFF IS DEEPLY
5 INVOLVED WITH THE REVIEW OF THE DOCUMENT AS A
6 RESPONSIBLE AGENCY. WE'RE CONSULTING WITH THE
7 LEAD AGENCY. WE DO REVIEW AND COMMENT ON ALL
8 ASPECTS OF THE DOCUMENT. AND IN THIS CASE WE DID
9 DO THAT WITH THE EIR.

10 WHEN THE FINAL EIR CAME OUT, IT
11 CONTAINED OUR COMMENTS AND RESPONSE TO COMMENTS.
12 WE REVIEWED THOSE RESPONSE TO COMMENTS AND FOUND
13 THEM TO BE ADEQUATE. WE HAVE ALSO REVIEWED THE
14 ADDENDUM AND FIND IT ADEQUATE FOR OUR PURPOSES.
15 SO TOGETHER WITH THE --

16 BOARD MEMBER RELIS: AND THE ADDENDUM
17 REFERS TO WHAT? JUST REFRESH.

18 MR. DE BIE: ADDENDUM REFERS TO SEVERAL
19 ISSUES, AND I DON'T HAVE THEM IN FRONT OF ME, BUT
20 MANY OF THEM STAFF CONSIDERED TO BE OUTSIDE OUR
21 AREA OF RESPONSIBILITY AND AUTHORITY. GIVEN, AS
22 THE CHAIRMAN READ INTO THE RECORD, THAT THAT'S OUR
23 MAIN CONCERN IN LOOKING AT THIS PROJECT ARE THE
24 TECHNICAL ASPECTS, THE DESIGN, THE OPERATION OF
25 THE LANDFILL, AND MANY OF THE ISSUES IN THE

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1 ADDENDUM WERE OUTSIDE OF THOSE AREAS, I COULD HAVE
2 THE COUNTY COME UP AND GIVE YOU THE SPECIFICS ON
3 WHAT WAS ADDRESSED IN THAT ADDENDUM.

4 IN REGARD TO THE MINING, WE'RE AWARE
5 OF THAT PROJECT. WE HAVE A COPY OF THE CUP THAT
6 WAS APPROVED IN JANUARY. THE RESOLUTION IN
7 ADOPTING THAT CUP INDICATED A NEGATIVE DECLARATION
8 WAS DEVELOPED. THE CUP IS FOR APPROVAL OF THE
9 EXPANDED RATE OF MINING. IT DOES NOT INCLUDE AN
10 EXPANSION OF THE MINE ITSELF, JUST THE AMOUNT --
11 THE RATE AT WHICH ORE CAN BE REMOVED FROM --

12 BOARD MEMBER RELIS: SO IT WOULD BE THE
13 ACTIVITY.

14 MR. DE BIE: THE ACTIVITY IN THE MINE.

15 WE'RE AWARE OF THE LAND SWAP
16 POTENTIALLY OCCURRING, AND WE'RE ALSO AWARE THAT
17 THERE'S ENVIRONMENTAL DOCUMENTATION BEING
18 DEVELOPED TO ADDRESS ENVIRONMENTAL IMPACTS OF THAT
19 LAND SWAP.

20 BOARD MEMBER RELIS: BUT IN THE VIEW OF
21 STAFF, THAT DOES NOT ALTER THE ADEQUACY OF THE
22 EIR?

23 MR. DE BIE: OUR EXPECTATION IS THAT THE
24 ENVIRONMENTAL DOCUMENTATION BEING DEVELOPED FOR
25 THE LAND SWAP WILL ADDRESS ANY CUMULATIVE IMPACTS

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1 FROM THAT. THERE IS A QUESTION WHETHER OR NOT
2 WHEN THE EIR FOR THE LANDFILL WAS BEING DEVELOPED,
3 WHETHER THERE WAS ADEQUATE INFORMATION TO REALLY
4 VERIFY THAT INDEED, YOU KNOW, THERE WAS POTENTIAL
5 FOR THE MINE TO EXPAND. AND SO, YOU KNOW, ONE
6 COULD QUESTION THAT; BUT, AGAIN, STAFF IS LOOKING
7 AT THIS AS -- IN TERMS OF THE AREAS IN WHICH WE
8 HAVE AUTHORITY AND RESPONSIBILITY. AND WE DON'T
9 SEE OVERLAP BETWEEN THE INCREASED OR THE POTENTIAL
10 FOR EXPANSION OF THE MINE AND IMPACTING THE AREAS
11 IN WHICH WE HAVE AUTHORITY OR RESPONSIBILITY.

12 MS. TOBIAS: IN SUMMARY, LET ME JUST KIND
13 OF WRAP UP WHAT MARK HAS SET UP. I THINK THERE'S
14 BASICALLY THREE DIFFERENT CEQA AREAS THAT HAVE
15 BEEN RAISED BY THE SIERRA CLUB. I ALSO THINK THE
16 APPLICANT'S ATTORNEY IS HERE TODAY AND COULD ALSO
17 ADDRESS THESE ISSUES.

18 HOWEVER, LET ME JUST MENTION I THINK
19 ONE ISSUE THEY'RE BRINGING UP IS THAT THERE IS A
20 PENDING ACTION BEFORE THE COURT IN SAN DIEGO, AND
21 THEY WOULD LIKE THE BOARD TO WAIT UNTIL THAT TIME.
22 AS A RESPONSIBLE AGENCY UNDER CEQA, WE ARE NOT
23 ABLE TO DO THAT UNDER PUBLIC RESOURCES CODE
24 21167.3, WHICH REQUIRES THAT THE RESPONSIBLE
25 AGENCY PROCEED AHEAD ON THE DOCUMENT THAT IS

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1 AVAILABLE, SO WE DON'T HAVE THAT ABILITY TO NOT
2 CONSIDER IT.

3 SECOND, THE SIERRA CLUB, AS I
4 UNDERSTAND, IS RAISING ISSUES THAT THERE IS A
5 CHANGE IN THE AMOUNT OF MATERIAL THAT'S GOING TO
6 BE WITHDRAWN FROM THE MINE AND THAT THERE IS A
7 CUMULATIVE IMPACT THAT WAS NOT ADDRESSED IN THE
8 EXPANSION ON THE STATE LANDS COMMISSION PROPERTY.
9 IN TERMS OF WHETHER THAT REQUIRES A NEW EIR, UNDER
10 PRC SECTION 21166, THAT IS NOT NEW INFORMATION
11 WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN
12 AT THAT TIME. SO IT DOES NOT TRIGGER A SUBSEQUENT
13 OR SUPPLEMENTAL EIR, NOR DO EITHER OF THOSE CAUSE,
14 I THINK, IN THE CEQA STAFF'S OPINION OR IN MY
15 OPINION, ANY REASON TO QUESTION THE ADEQUACY OF
16 THOSE UNDERLYING DOCUMENTS.

17 THEY WERE ADDRESSED IN TERMS OF THE
18 MINING INFORMATION. THE FACT THAT THEY WILL TAKE
19 MORE MINING MATERIAL OUT DOES NOT CHANGE THE
20 IMPACTS THAT HAVE BEEN ALREADY DISCUSSED IN THAT
21 DOCUMENT. THEY WERE ARTICULATED AS SIGNIFICANT
22 IMPACTS, MADE OVERRIDING FINDINGS FOR THOSE
23 IMPACTS, AND SO I DON'T SEE WHERE THAT IS GOING TO
24 CAUSE THE BOARD TO QUESTION THE UNDERLYING
25 INADEQUACY OF THE DOCUMENTS.

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1 BOARD MEMBER CHESBRO: MAY I ASK HOW
2 THIS --

3 BOARD MEMBER RELIS: WAS THERE JUST A
4 THIRD POINT?

5 MS. TOBIAS: AND THE THIRD POINT, I
6 THINK, ON THE CUMULATIVE IMPACTS, I THINK, BOTH AS
7 MARK SAID, IF THAT'S ON A SUBSEQUENT PROJECT,
8 THOSE WILL BE ADDRESSED WITH RESPECT TO THE CEQA
9 DOCUMENTATION ON THAT PROJECT. ALSO, I THINK, AS
10 THE SIERRA CLUB HAS INDICATED, THAT INFORMATION,
11 WHILE THE SIERRA CLUB MAY NOT HAVE BEEN AWARE OF
12 IT, EVIDENTLY WAS AVAILABLE AT THE TIME AND SHOULD
13 HAVE BEEN BROUGHT UP IF THERE WAS AN ISSUE ON THAT
14 PREVIOUS DOCUMENT, SO IT'S NOT GOING TO BE
15 SOMETHING THAT THE BOARD CAN ADDRESS AT THIS TIME.

16 BOARD MEMBER CHESBRO: HOW DOES THIS
17 SITUATION COMPARE TO THE SITUATION WHERE WE
18 REQUIRED ADDITIONAL SUBSEQUENT ENVIRONMENTAL
19 REVIEW TO BE DONE ON THE PASO ROBLES LANDFILL
20 BECAUSE OF CUMULATIVE IMPACT TYPES OF
SITUATIONS?

21 MS. TOBIAS: IN THE PASO ROBLES
22 SITUATION, THE UNDERLYING DOCUMENTATION THAT THE
23 CITY HAD DONE -- AND, MARK, YOU CAN CORRECT ME
ON
24 THIS IF MY MEMORY IS NOT WHAT IT SHOULD BE --

THEY

25 RELIED ON AN UNDERLYING DOCUMENT, NEG DEC OR A

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1 CATEGORICAL EXEMPTION.

2 MR. DE BIE: BOTH ACTUALLY.

3 MS. TOBIAS: AND WE HAD TO BASICALLY
4 PIECE THE DOCUMENTS TOGETHER TO DECIDE THAT THEY
5 HAD NOT ADEQUATELY ADDRESSED THE POSSIBLE
6 EXPANSION IN TRAFFIC THAT WAS GOING TO BE
7 ENGENDERED AS A RESULT OF INCREASING THEIR TONNAGE
8 AND WHERE THEY WERE BRINGING THE TONNAGE FROM.
9 AND THAT WAS REALLY THE LARGER ISSUE IN TERMS OF
10 WHERE THAT MATERIAL WAS GOING TO BE COMING FROM.

11 SO THOSE -- IT'S, WITH ALL DUE
12 RESPECT, A PRETTY DIFFERENT SITUATION. IN THAT
13 CASE REALLY THERE WAS NOT ONE UNDERLYING OR EVEN
14 PUTTING THE PIECES TOGETHER ADEQUATE CEQA
15 DOCUMENTATION IN THAT CASE. DOES THAT EXPLAIN
16 THAT?

17 CHAIRMAN PENNINGTON: OKAY. WE'LL MOVE
18 ON TO THE NEXT PERSON IN OPPOSITION, HARRIET
19 ALLEN.

20 MS. ALLEN: GOOD MORNING, BOARD MEMBERS
21 AND STAFF. WE THANK YOU FOR HOLDING THIS PUBLIC
22 HEARING AND FOR THE WORK THAT THE STAFF HAS GONE
23 TO TO DEVELOP THESE 12 VOLUMES AND SO FORTH. I'M
24 HARRIET ALLEN. I RESIDE IN SPRING VALLEY, WHICH
25 IS CLOSE TO SAN DIEGO.

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1 AS AN INFANT I WAS HAULED TO EL
2 CENTRO TO VISIT MY GREAT UNCLE AND MY GREAT AUNT
3 WHO WERE INVOLVED IN THE IRRIGATION DISTRICT AND
4 COTTON GROWING AND SO ON. AND I FEEL THAT I HAVE
5 A LIFELONG INTEREST IN THE INTEGRITY OF IMPERIAL
6 COUNTY AND OUR GENERAL DESERTS.

7 TODAY I REPRESENT THE DESERT
8 PROTECTIVE COUNCIL, WHICH IS THE NATIONAL
9 MEMBERSHIP ORGANIZATION DEDICATED TO PROTECTING
10 AND ENHANCING THE DESERTS OF THE SOUTHWEST, NOT
11 JUST OUR CALIFORNIA DESERTS, IS 42 YEARS, GOING ON
12 43 YEARS OLD. AND WAY BACK IN THE '50S, WE
13 DEVELOPED A WASTE DISPOSAL MANAGEMENT POLICY.

14 THE FIRST ITEM WAS THAT WASTE
15 MATERIAL OR MATERIALS SHOULD BE REDUCED TO THE
16 MINIMUM SIZE AT ITS SOURCE AND THEN PACKED WITH
17 THE MAXIMUM OF SAFETY AND HEALTH PROTECTION.

AND

18 THEN AND ONLY THEN SHOULD IT BE ALLOWED TO BE
19 DEPOSITED IN THE DESERT AREAS.

20 THE DESERTS OF CALIFORNIA ARE
FRONT

21 DOORS. THEY'RE NOT BACKYARDS. AND WE MUST
TREAT

22 THEM LIKE THAT.

23 I FEEL LIKE A SWEEPER COMING ALONG

24 BEHIND EDIE. SHE COVERED SO MANY TOPICS. BUT I
25 THINK THAT BEFORE YOU TODAY IS A PERMIT THAT

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1 INVOLVES MANY FACETS, INCLUDING COMPLIANCE WITH
2 CEQA, AND, AS HAS BEEN POINTED OUT, THE ADEQUACY
3 OF THE ENVIRONMENTAL REVIEW REPORT AND THE
4 ADDENDUM, AND THOSE HAVE BEEN CHALLENGED IN COURT.

5 THERE ARE BASIC ASSUMPTIONS ON WHICH
6 THAT EIR IS BASED. ONE IS THAT THE ADJACENT
7 CYANIDE HEAP LEACH MESQUITE MINE WILL BE CLOSING
8 IN TEN TO FIFTEEN YEARS. AND THE SECOND
9 ASSUMPTION IS THAT THE EMISSION OFFSETS WOULD BE
10 REDUCED LOCALLY. I'M NOT GOING INTO ALL THE
11 DETAILS. SUFFICE TO SAY THAT THE COUNTY HAS
12 APPROVED EXPANDING THE PRODUCTION AND PROCESSING
13 OF THE ORE IN THE MINE BY 50 PERCENT.

14 AND, FURTHERMORE, THE APPLICANT IS
15 DEALING WITH THE STATE LANDS. YOU'VE HEARD ALL
16 ABOUT THAT.

17 SECONDLY, AS TO THE EMISSION
18 OFFSETS, THE NEW INFORMATION HAS COME TO LIGHT.
19 AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS
20 ANALYZED THE COUNTY'S DRAFT AIR QUALITY PERMIT
AND

21 POINTS OUT THAT ADDITIONAL OFFSETS ARE REQUIRED
TO
22 MEET STATE AND FEDERAL STANDARDS, PARTICULARLY
23 WITH THE ENLARGEMENT OF THE MINE.

24 THE EIR ASSUMES THAT THE LANDFILL'S

25 EFFECT ON AIR QUALITY WOULD BE REDUCED BY
EMISSION

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1 OFFSETS OBTAINED LOCALLY, AND I DON'T SEE HOW IT
2 CAN. THESE ASSUMPTIONS ARE NO LONGER VALID, AND
3 THE PERMIT BEFORE YOU TODAY IS BASED ON THESE
4 ASSUMPTIONS AND NOT ON CURRENT CONDITIONS.

5 WE HAVE A LITTLE BIT OF A PROBLEM
6 WITH ATTACHMENT 4 OF THE PERMIT ON PAGE 1 ON
7 SECTION 5. THERE ARE SPECIFICATIONS UNDER ITEM D
8 THAT WOULD DISCUSS THE PERMITTED TRAFFIC VOLUME.
9 AND WE WONDER WHY THERE'S AN N/A, NOT APPLICABLE,
10 MARK AFTER THE LINE THAT SAYS THE OUTGOING WASTE
11 MATERIALS AND A SECOND LINE, THE OUTGOING
12 MATERIALS FROM MATERIAL RECOVERY OPERATIONS. NOW,
13 IF THE PERMIT ALLOWS THE TEMPORARY STORAGE OF SOME
14 600,000 TONS FOR TWO TO THREE YEARS, AND THERE'S
15 NO TRAFFIC ANALYSIS, DOES THIS MEAN, AS A FOREGONE
16 CONCLUSION, THAT THAT 600,000 TONS WILL BE PUT
17 INTO THE LANDFILL?

18 TO REPEAT THE DPC POSITION, REDUCE
19 WASTE AT ITS SOURCE, WHICH IS SORT OF THE TOPIC OF
20 YOUR UPCOMING JUNE CONFERENCE ON ZERO WASTE, A
21 CHALLENGE TO REMOVE THE RECYCLABLES AS CLOSE TO
22 THE SOURCE OF THEIR PRODUCTION AND USE AND NOT
23 DOUBLE TRANSPORT THEM TO THE DESERT TO RECYCLE
AND
24 BACK AGAIN OR DUMP THEM IN THE LANDFILL.

VISITORS

25

COME FROM ALL OVER THE WORLD TO VISIT AND ENJOY

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1 THE BEAUTIES AND THE UNIQUENESS OF THE CALIFORNIA
2 DESERTS. AND TOURISM IS A VERY VALUABLE ECONOMIC
3 ASSET WHICH WE MUST NOT FORGET.

4 BECAUSE OF THE UNRESOLVED FACTORS
5 AND THE PENDING COURT REVIEW, THE DPC URGES YOU
6 DISTINGUISHED BOARD MEMBERS TO DENY THE PERMIT
7 TODAY. WE DO APPRECIATE THE OPPORTUNITY TO
8 COMMENT AND TO MEET WITH THE STAFF AND YOU BOARD
9 MEMBERS. THANK YOU.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
11 MS. ALLEN? WE'LL TAKE A SHORT FIVE-MINUTE BREAK
12 WHILE WE CHANGE THE PAPER.

13 (RECESS TAKEN.)

14 CHAIRMAN PENNINGTON: COME BACK TO
ORDER,

15 PLEASE. MS. ALLEN WAS THROUGH. OUR NEXT PERSON
16 WHO HAS ASKED TO ADDRESS US IN OPPOSITION IS JANE
17 WILLIAMS.

18 MS. WILLIAMS: GOOD MORNING, MR.
19 CHAIRMAN, MEMBERS OF THE BOARD. MY NAME IS JANE
20 WILLIAMS. I'M WITH DESERT CITIZENS AGAINST
21 POLLUTION. IT'S A NONGOVERNMENTAL ORGANIZATION
22 THAT WORKS ON SPECIFICALLY POLLUTION ISSUES IN
23 THE
24 DESERT. WE'VE BEEN WORKING ON THIS PROJECT FOR
APPROXIMATELY THE LAST THREE TO FOUR YEARS.

25
COMMENT,

AND I JUST WANT TO MAKE ONE

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1 AND THAT IS THAT WE DO HAVE A FAIRLY LARGE
2 COALITION OF PEOPLE WHO HAVE WORKED IN OPPOSITION
3 TO THIS PROPOSED LANDFILL. WE HAVE PARTICIPATED
4 IN WATER BOARD DECISIONS, THE AIR PERMITTING
5 PROCESS, THE COUNTY PROCESS, AND AS WELL AS
6 VARIOUS OTHER MEETINGS. AND QUITE FRANKLY, THE
7 ISSUE WITH THE LEA AND THIS PARTICULAR BOARD DID
8 CATCH US OFF GUARD. AND I JUST WANT TO BRING THIS
9 TO YOUR ATTENTION. I SPEND A LOT OF TIME IN
10 SACRAMENTO AS THE STAFF PERSON FOR THE CALIFORNIA
11 COMMUNITIES AGAINST TOXICS, WHICH IS A STATEWIDE
12 TOXICS COALITION. SO I'M VERY FAMILIAR WITH
13 DIFFERENT BOARDS, THE DEPARTMENT OF TOXIC
14 SUBSTANCE CONTROL, AND CAL/EPA IN GENERAL.

15 AND I THINK I WILL ACTUALLY BE
16 MAKING RECOMMENDATIONS TO CAL/EPA AND TO THE
17 LEGISLATURE TO TAKE A LOOK AT THIS BOARD'S PUBLIC
18 PARTICIPATION POLICIES BECAUSE I THINK THAT
19 CLEARLY THERE'S SOME HOLES HERE.

20 IN LIGHT OF THAT, I WANT TO MAKE
21 STRONG DISAGREEMENT WITH WHAT YOU'VE HEARD FROM
22 YOUR COUNSEL. AND THAT IS THAT YOU ESSENTIALLY
23 ARE RELYING UPON THE CEQA DOCUMENT TO BASE YOUR
24 DECISION UPON. IN FACT, IF YOU TAKE A LOOK AT
25 YOUR PERMIT, UNDER YOUR FINDINGS ON ITEM E, IT

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1 BASICALLY SAYS THAT YOU ARE, YOU KNOW, RELYING
2 UPON THE JUNE 1995 DOCUMENT TO BASE YOUR DECISIONS
3 ON. CLEARLY, THAT DOCUMENT HAS BEEN FOUND
4 INADEQUATE BY THE COURT, AND WE'VE PRESENTED TO
5 YOU TODAY NEW INFORMATION THAT CLEARLY SHOWS THAT
6 THERE MAY BE EVEN MORE PROBLEMS WITH THE DOCUMENT.

7 ONE THING, BEING THE LAST PERSON TO
8 TESTIFY, IT COMES TO ME TO SORT OF FILL THE HOLES
9 IN MY OTHER COLLEAGUES' TESTIMONY. FOR INSTANCE,
10 ON THE AIR OFFSETS, THE U.S. EPA HAS MADE A
11 DECISION THAT THE MESQUITE LANDFILL NEEDS TO
12 OFFSET ALL OF ITS AIR EMISSIONS. WELL, THERE ARE
13 NOT ENOUGH CREDITS IN THE AIR BASIN; SO,
14 THEREFORE, THEY WILL HAVE TO SEEK AIR CREDITS
15 OUTSIDE THE AIR BASIN FOR TRANSPORTED AIR
16 POLLUTION FROM THE L.A. COUNTY BASIN FROM SOUTH
17 COAST AIR QUALITY MANAGEMENT DISTRICT.

18 NOW, CLEARLY, IMPORTING WASTE TO
19 IMPERIAL COUNTY, WHICH IS THE POOREST COUNTY, HAS
20 THE LARGEST MONOLINGUAL SPANISH SPEAKING
21 POPULATION IN THE STATE, THIS IS THE LARGEST
22 LANDFILL THE STATE OF CALIFORNIA HAS EVER
23 PERMITTED, AND USING OFFSETS FROM THE COUNTY OF
24 ORIGIN, WHICH IS L.A. COUNTY, BRINGS TO US SOME
25 VERY IMPORTANT SOCIAL EQUITY ISSUES. IT ALSO HAS

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1 ENVIRONMENTAL IMPACTS THAT ARE NOT ANALYZED IN THE
2 ENVIRONMENTAL IMPACT REPORT.

3 THE FACT THAT THE MINE IS NOT GOING
4 TO BE SHUTTING DOWN, AND YOUR COUNSEL SAID THAT
5 THAT WOULD NOT CREATE A PROBLEM BECAUSE IT'S JUST
6 EXPANDING THE RATE AT WHICH THE MINE IS GOING TO
7 BE MINED, I'M SORRY, I HAVE TO TAKE STRONG
8 OBJECTION TO THAT BECAUSE ONE OF THE MAJOR
9 PROBLEMS WITH MINING OPERATIONS IS THAT THEY HAVE
10 PM-10, MASSIVE PM-10 EMISSIONS AND MERCURY
11 EMISSIONS. AND WHEN YOU INCREASE THE RATE AT
12 WHICH YOU MINE, THOSE EMISSIONS INCREASE.

13 THE EIR CLAIMED MANY TIMES, WHICH IS
14 IN A LETTER FROM OUR ATTORNEYS TO YOU, THAT THE
15 IMPACTS FROM THIS LANDFILL WOULD BE REDUCED
16 BECAUSE THE MINE IS GOING TO BE SHUTTING DOWN.

17 AND TO TAKE LOOK AT THE PASO ROBLES
18 ISSUE, TO ME IT'S EXACTLY THE SAME PROBLEM. HERE
19 YOU HAVE THE PROPOSED PROJECT, WHICH I HAVE TO
20 THANK MR. CHESBRO'S CHIEF OF STAFF. IT'S THE ONLY
21 WAY I EVER GOT ANY DOCUMENTS OUT OF THIS BOARD IS
22 THAT HE FAX'D THEM TO ME. THE PROPOSED MESQUITE
23 REGIONAL LANDFILL WILL ACCEPT MUNICIPAL SOLID
24 WASTE FROM COUNTIES IN SOUTHERN CALIFORNIA,
25 IMPERIAL, L.A., VENTURA, ORANGE, SAN DIEGO, SAN

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1 BERNARDINO, AND RIVERSIDE. NO, IT WILL NOT. THAT
2 IS NOT PROPOSED THE PROJECT.

3 THE PROPOSED PROJECT IS CHANGING
4 BECAUSE THEY DIDN'T ANALYZE THE IMPACTS OF ALL OF
5 THOSE COUNTIES SENDING THEIR WASTE TO THE
6 LANDFILL.

7 MARK DE BIE GOT UP HERE AND SAID WE
8 REVIEWED THE EIR, WE LOOKED AT OUR COMMENTS, AND
9 WE THOUGHT IT WAS OKAY. WELL, CLEARLY, THE COURTS
10 DISAGREED WITH HIM BECAUSE THEY HAVE CALLED INTO
11 QUESTION NUMEROUS DIFFERENT ASPECTS OF THE EIR AND
12 ITS INADEQUACIES.

13 GOLD FIELDS KNEW ABOUT THE MINE
14 EXPANDING. OBVIOUSLY THAT INFORMATION WAS
15 WITHHELD FROM THE PUBLIC. GOLD FIELDS OBVIOUSLY
16 THEN KNEW THAT SOME OF THE ROSY THINGS THEY SAID
17 IN THE EIR, AS FAR AS SAYING THE TRAFFIC WON'T
18 INCREASE BECAUSE THE WORKERS WHO ARE NOW WORKING
19 AT THE MINE WILL BE WORKING AT THE LANDFILL, WELL,
20 THAT'S OBVIOUSLY NOT GOING TO BE THE CASE. IF THE
21 WORKERS ARE GOING TO BE WORKING AT THE MINE, THEY
22 MUST HAVE TO BRING NEW WORKERS TO THE LANDFILL.
23 AND SO THE WHOLE ISSUE OF TRANSPORT AND CAR
24 POOLING AND EMISSIONS FROM THAT ARE GOING TO
25 INCREASE AS WELL.

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1 IT WOULD SEEM TO ME AS A POLICY
2 ISSUE THAT THIS BOARD WOULD AT LEAST LIKE THE
3 PERMIT THAT IT GIVES TO MATCH THE OTHER PERMITS
4 THAT THE COUNTY HAS GIVEN. AND IF YOU TAKE A LOOK
5 AT THE ADDENDUM, CLEARLY THE COUNTY UNDERSTANDS
6 THAT DIFFERENT -- A DIFFERENT ENVIRONMENTAL REVIEW
7 IS GOING TO BE REQUIRED IF THEY'RE GOING TO BE
8 BRINGING TRASH FROM ANY COUNTY THAT DOESN'T LIE
9 ALONG THE SP MAIN LINE. AND YOUR PERMIT AS IT'S
10 WRITTEN NOW DOESN'T MATCH WITH THAT.

11 TO ME THAT JUST SEEMS, YOU KNOW --
12 YOU ARE TALKING ABOUT STATE MINIMUM STANDARDS AND
13 CONCURRENCE. IT SEEMS TO ME THAT'S A VERY BASIC
14 ISSUE OF CONCURRENCE.

15 ONE OF THE OTHER THINGS THAT YOU MAY
16 NOT BE AWARE OF OR MAY NOT BE IN YOUR PURVIEW OR
17 YOU MAY NOT CARE ABOUT, BUT THE FACT IS ONE OF THE
18 THINGS THAT CONCERNED THE JUDGE, AND QUITE FRANKLY
19 CONCERNS US, BEING ONE OF THE GROUPS THAT SUED THE
20 DEPARTMENT OF INTERIOR TO FORCE A DESIGNATION OF
21 CRITICAL HABITAT FOR THE ENDANGERED DESERT
22 TORTOISE, AND THAT IS THAT IF THE LANDFILL IS
23 HERE, CRITICAL HABITAT FOR THE ENDANGERED TORTOISE
24 IS CONTIGUOUS. IT IS RIGHT NEXT TO IT AND SO THAT
25 AIR EMISSIONS FROM THIS LANDFILL, WHICH NOW THE

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1 CUMULATIVE IMPACT OF THOSE AIR EMISSIONS ARE GOING
2 TO INCREASE, WILL HAVE A NEGATIVE IMPACT ON
3 CRITICAL HABITAT FOR THE ENDANGERED DESERT
4 TORTOISE, WHICH, BY THE WAY, HAS LOST 50 PERCENT
5 OF ITS POPULATION IN THE LAST SEVEN YEARS.

6 THE FINAL ISSUE I WANT TO COVER,
7 WHICH IS SOMETHING THAT HASN'T BEEN COVERED, IS
8 THE IMPACTS OF THE REGULATORY STRUCTURE UPDATE
9 PROCESS, WHICH IS AN INTERNAL REGULATORY REFORM
10 PROCESS BEING UNDERTAKEN BY THE DEPARTMENT OF
11 TOXIC SUBSTANCE CONTROL. SOME OF THE BOARD
12 MEMBERS MAY BE AWARE OF IT, SOME OF YOU MAY NOT.
13 AND THAT IS A PROPOSAL BY THE DEPARTMENT OF TOXIC
14 SUBSTANCE CONTROL TO CHANGE THE TEST THAT'S
15 ALLOWED FOR -- THAT'S USED FOR HAZARDOUS WASTE.

16 THE BOTTOM LINE IS THAT THE STATE IS
17 TAKING A LOOK AT CHANGING THE TEST WHICH WOULD
18 ALLOW HAZARDOUS WASTE TO EXIT THE SYSTEM, AND MUCH
19 OF THAT HAZARDOUS WASTE WOULD BE HEADED TOWARDS
20 LANDFILLS. AND THE IMPACTS OF THAT ON ISSUES OF
21 POLICY FOR THIS BOARD IN GENERAL AND THE IMPACTS
22 ON THIS PARTICULAR LANDFILL, WHICH WILL BE THE
23 LARGEST LANDFILL IN THE STATE, HAVE YET TO BE
EVEN

24 TALKED ABOUT IN ANY CONVERSATION.

25 SO WITH THAT, I JUST WANTED TO ASK

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1 YOU TO USE THE POWER THAT'S BEFORE YOU TO SAY NO.
2 THE CEQA DOCUMENT UPON WHICH YOU'RE RELYING TO
3 MAKE YOUR DECISION IS INADEQUATE. THE COURT HAS
4 DECIDED IT IS INADEQUATE. AND AFTER THAT, MANY
5 OTHER ISSUES HAVE ARISEN THAT FURTHER CALL INTO
6 QUESTION ITS ADEQUACY. IF YOU SAY NO, THEY CAN
7 RESUBMIT. IF YOU SAY YES, YOU OPEN YOURSELF UP TO
8 RELYING UPON A DOCUMENT THAT'S CLEARLY NOT
9 ADEQUATE.

10 AND ACTUALLY I HAVE A QUESTION HERE.
11 AND THAT IS, I KNOW THAT THE COUNTY WAS INDEMNIFI-
12 FIED SO THAT WHEN WE SUED THE COUNTY, IF THEY LOST
13 AND THERE WAS COURT COST TO PAY, THE PROPONENT
14 WOULD PAY THEM. AND I DON'T KNOW WHAT KIND OF
15 ARRANGEMENT THIS BOARD HAS, BUT WHEN YOU MAKE A
16 DECISION BASED ON AN INADEQUATE EIR, YOU DO OPEN
17 YOURSELF UP TO CEQA LITIGATION. AND I DON'T KNOW
18 IF YOU HAVE AN INDEMNIFICATION AGAINST THAT OR
19 NOT. SO I BRING THAT TO YOUR ATTENTION. THANK
20 YOU. I'LL BE HAPPY TO ANSWER ANY QUESTIONS THAT
21 YOU MIGHT HAVE.

22 CHAIRMAN PENNINGTON: QUESTIONS OF MS.
23 WILLIAMS? OKAY. THANK YOU.

24 MS. HARMON DIDN'T FEEL SHE WAS
25 THROUGH, AND I'D LIKE TO GIVE HER A BRIEF MOMENT

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1 OR TWO BEFORE WE GO TO THE PEOPLE WHO SUPPORT THIS
2 PERMIT.

3 MS. HARMON: SAYING I CAN GO NOW OR
4 AFTER?

5 CHAIRMAN PENNINGTON: WHY DON'T YOU GO,
6 BUT PLEASE MAKE IT BRIEF.

7 MS. HARMON: EDIE HARMON, SIERRA CLUB.
8 THERE WERE A COUPLE POINTS THAT I FORGOT TO
9 MENTION I REALIZED WHEN I SAT DOWN.

10 WITH REGARD TO THE INCREASED RATE OF
11 EXPANSION FOR GOLD FIELDS MINING COMPANY, WHEN I
12 WENT BEFORE THE ENVIRONMENTAL EVALUATION
13 COMMITTEE, I RAISED CONCERNS ABOUT THE POTENTIAL
14 CUMULATIVE IMPACTS AND THAT THEY HAD NOT BEEN
15 ADDRESSED IN THE EIR, THE COUNTY PLANNING DIRECTOR
16 CONCURRED. HE GOT UP AND HE SAID, "OH, I THOUGHT
17 THE MINE WAS GOING TO BE WINDING DOWN AND
18 SHUTTING, NOT THAT WE WERE GOING TO BE INCREASING
19 THE RATE OF PRODUCTION."

20 AND HE TOO AND ONE OTHER -- AND I
21 CAN'T REMEMBER WHICH OTHER DEPARTMENT IT WAS,
22 REPRESENTATIVE OF ANOTHER DEPARTMENT -- ALSO
23 RAISED THE QUESTION THAT THESE IMPACTS HAD NOT
24 BEEN ADDRESSED AS CUMULATIVE IMPACTS IN THE EIR,
25 AND THE ASSUMPTIONS OF THE EIR WERE VERY DIFFERENT

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1 THAN WHAT THEY WERE HEARING.

2 WITH REGARD TO WHO KNEW WHAT AND
3 WHEN ABOUT THE EXPANSION OF MINING OPERATIONS, I
4 WOULD SUGGEST THAT GOLD FIELDS, WHO SOLD THE
5 MINERAL RIGHTS TO SANTA FE PACIFIC IN 1993, IT WAS
6 EITHER GOLD FIELDS OR SANTA FE PACIFIC, ONE OF THE
7 COMPANIES, THAT MUST HAVE MADE THE APPLICATION TO
8 HAVE THOSE TWO HALF SECTIONS OF THE MARINE CORPS
9 GUNNERY RANGE DELETED. BLM CERTAINLY KNEW.

10 WHETHER THE APPLICANT AND BLM AS CO-LEAD AGENCY
11 KNEW, I CAN'T PROVE ANYTHING. BUT SINCE THE
12 DESERT PROTECTION ACT WAS PASSED IN 1994, I'M
13 ASSUMING THAT SOMEONE WHO HAD AN INTEREST IN
14 CONTINUED GOLD MINING THERE KNEW THAT THERE WERE
15 GOLD DEPOSITS AND THAT THIS WAS SOMETHING THAT WAS
16 DESIRABLE.

17 THE CONTENTION THAT WE MADE EARLY
18 WAS THAT THOSE WHO KNEW SUCCESSFULLY WITHHELD THAT
19 INFORMATION FROM THE EIR, JUST AS THE INFORMATION
20 ABOUT THE LOCATION OF CRITICAL DESERT TORTOISE
21 HABITAT WAS WITHHELD FROM THE EIR. SURE, THERE
22 WERE TOWNSHIP AND RANGE INFORMATION IN THE EIR,
23 BUT THERE WAS NO MAP AND THERE WAS NO DESCRIPTION
24 THAT LED ANYONE TO BELIEVE THAT CRITICAL HABITAT
25 WAS ACROSS THE FENCE LINE. THE WRITTEN

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1 DESCRIPTION MADE IT SOUND LIKE IT WAS 30 MILES
2 AWAY.

3 SO WHEN AGENCIES WHO KNOW PRESENT
4 INFORMATION IN A WAY THAT THE PUBLIC AND DECISION
5 MAKERS CANNOT FIGURE OUT WHAT'S GOING ON, THAT
6 IS -- THAT IS IMPORTANT TO ME. I THINK THAT THE
7 INFORMATION SHOULD BE LAID OUT IN THE EIR. AND I
8 CAN'T BELIEVE THAT THE CEQA PROCESS THROUGH SOME
9 TECHNICALITY SAYS THAT, "GEE. IF THEY KNEW AND WE
10 DIDN'T FIGURE IT OUT, THEN IT'S NOT NEW
11 INFORMATION." THAT'S NOT THE WHOLE PURPOSE FOR
12 ENVIRONMENTAL REVIEW. THE INFORMATION IS SUPPOSED
13 TO BE REVEALED.

14 AND I WOULD REQUEST AGAIN THAT THE
15 BOARD HAS TWO OPTIONS. YOU CAN APPROVE OR YOU CAN
16 OPPOSE. IF YOU OPPOSE THIS PROJECT, THERE IS
17 NOTHING TO PREVENT THE APPLICANT FROM RETURNING
18 WHEN ENVIRONMENTAL REVIEW AND ALL THE ISSUES HAVE
19 BEEN ADDRESSED AND REFILING THE APPLICATION. IT
20 SEEMS TO THE SIERRA CLUB THAT THAT WOULD BE THE
21 PRUDENT COURSE TO TAKE.

22 THE DOCUMENTS HAVE BEEN FILED.
23 THERE NEED TO BE SOME ADDITIONAL CHANGES AND
24 SUBMISSION, BUT I DON'T SEE THAT, GIVEN THE
LENGTH

25 OF THIS PROCESS AND THE DURATION OF THE PROCESS,

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1 THAT THE BOARD COULD GO WRONG BY OPPOSING AND
2 ASKING FOR THINGS TO COME BACK AT A LATER POINT
3 SINCE YOU ONLY HAVE TWO OPTIONS. THANK YOU.

4 CHAIRMAN PENNINGTON: THANK YOU. NOW
5 WE'LL HEAR FROM SUPERVISOR SAM SHARP.

6 SUPERSIVOR SHARP: CHAIRMAN PENNINGTON
7 AND HONORABLE BOARD, I APPRECIATE THE OPPORTUNITY
8 TO COME AND GIVE YOU KIND OF AN OVERVIEW ON WHY A
9 SUPERVISOR WOULD BE IN FAVOR OF A REGIONAL
10 LANDFILL. JUST A LITTLE HISTORY. I AM THE THIRD
11 GENERATION OF A FAMILY THAT CAME INTO IMPERIAL
12 COUNTY IN 1912, AND WE WILL SOON HAVE A SIXTH
13 GENERATION LIVING THERE. SO WITH THAT IN MIND,
14 FOLKS, I WANT YOU TO KNOW THAT THIS SUPERVISOR IS
15 NOT GOING TO DO SOMETHING THAT'S GOING TO HURT THE
16 VALLEY.

17 OF ALL PEOPLE IN THE STATE OF
18 CALIFORNIA, YOU KNOW THE CONDITION OF OUR EXISTING
19 DUMPS, AND YOU KNOW THE URGENCY THAT WE FACE IN
20 CLEANING UP OUR 100 YEARS OF MESS. THIS IS A
21 ONE-HUNDRED-YEAR PROJECT. WE ARE GOING TO BE
22 CLEANING UP 100 YEARS. AND THIS BOARD HAS MADE A
23 COMMITMENT THAT A MAJOR PORTION OF ANY FEES THAT
24 ACCRUE FROM THIS PROJECT WILL BE USED IN JUST THAT
25 MANNER.

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1 IF I CAN, WITH YOUR INDULGENCE, JUST
2 TAKE A FEW MINUTES TO DO A LITTLE HISTORY OF WHAT
3 THIS BOARD WENT THROUGH LOOKING AT SOLID WASTE
4 SITES. WE HAVE BEEN -- WE VISITED SITES IN SIX
5 DIFFERENT STATES AND IN ENGLAND ALSO. AND WE
6 LOOKED -- WE WERE LOOKING TO SEE IF WE COULD BE
7 COMFORTABLE WITH THIS TYPE OF PROJECT.

8 WE MADE A TRIP TO THE SUPERVISORS
9 AND FIVE CITY COUNCILS, REPRESENTATIVES FROM FIVE
10 DIFFERENT CITIES IN IMPERIAL COUNTY. WE MADE A
11 TRIP INTO VIRGINIA. AND THERE'S A LITTLE BACK
12 COUNTY THERE THAT HAD MUCH THE SAME PROBLEM THAT
13 WE HAD. FIRST, THEY WERE DESTITUTE. THEY
14 COULDN'T BEGIN TO CLEAN UP THEIR OWN MESS. AND SO
15 THEY WENT OUTSIDE TO LOOK AT A METHOD TO ACQUIRE
16 THE CLEANUP OF THEIR OWN, PLUS THE FINANCING THAT
17 WOULD ENABLE THEM TO DO IT.

18 I DIDN'T SPEND A LOT OF TIME AT THE
19 DUMP. I WENT TO VISIT THE NEIGHBORS BECAUSE I
20 WANTED TO GET THE REACTION OF THE PEOPLE THAT HAD
21 TO LIVE NEXT TO THIS DUMP. AND THIS TRASH THAT'S
22 COMING INTO VIRGINIA IS COMING OUT OF NEW YORK
23 CITY. AND THERE WAS A LOT OF ANIMOSITY ABOUT
24 HAVING TO TAKE THE BIG CITY'S TRASH.

25 IN TALKING TO THE CLOSEST NEIGHBORS

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1 THAT BACK UP TO THIS DUMP, I ASKED THEM, "WHAT IS
2 THE VERY WORST THING THAT'S HAPPENED SINCE THIS
3 FACILITY WAS PLACED HERE NEXT TO YOU?" THEY SAID,
4 WELL, THEY'VE CLEANED UP OUR TRASH, THEY HAVE
5 SOLVED THE WATER PROBLEM THAT -- THE SURFACE WATER
6 PROBLEM WE USED TO HAVE.

7 THEY HAVE OVER 24 INCHES OF RAIN
8 THERE, AND 24 INCHES OF RAIN INTO A REGIONAL WASTE
9 DUMP IS A MAJOR PROBLEM. IMPERIAL COUNTY HAS 3
10 INCHES OF RAIN, AND WE HAVE NEARLY A HUNDRED
11 INCHES OF EVAPORATION A YEAR, SO WATER IS NOT
12 GOING TO BE A PROBLEM.

13 WELL, THESE NEIGHBORS, I ASKED THEM,
14 "WHAT ABOUT THE TRASH BLOWING?" THEY SAID, "WELL,
15 WE SEE CREWS GOING ACROSS OUR FIELDS PERIODICALLY
16 PICKING IT UP." AND TO MAKE A LONG STORY SHORT, I
17 SAID, "IF YOU WERE GOING TO RATE THEM ONE TO TEN,
18 TEN BEING THE BEST, HOW WOULD YOU RATE THEM AS
19 NEIGHBORS?" THEY SAID, "WELL, NOBODY IS PERFECT,
20 SO IT'S NINE AND A HALF." AND, FOLKS, IT CAN BE
21 DONE.

22 WE HAVE LOOKED AT LINERS. WE KNOW
23 THAT THESE PEOPLE, ARID AND MESQUITE, HAVE THE
24 ABILITY TO BUILD LINERS. THEY DO IT. THEY HAVE
25 RESPONDED TO OUR REQUEST, NO. 1, THAT NOT ONE

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1 OUNCE OF TRASH GO BELOWGROUND. THERE'S WATER EVEN
2 IN THE DESERT. WE DO NOT WANT THE POSSIBILITY OF
3 A DEGRADATION OF OUR WATER.

4 WE ASKED THAT ONLY IN EMERGENCY THAT
5 TRASH BE HAULED BY OTHER THAN RAIL. WE DID NOT
6 WANT TO IMPACT OUR NEIGHBORS UP THE TRANSPORTATION
7 LINE. WE WANTED TO IMPACT THEM AS LITTLE AS WE
8 POSSIBLY COULD. THEY COMPLIED. WE TOLD, AS A
9 CONDITION, IF A CIGARETTE PAPER BLOWS DOWN IN THAT
10 HOLE, GO GET IT. GO GET IT. WE WANT IT COVERED.

11 WE ARE GOING TO HAVE OUR OWN
12 INSPECTORS THERE IN THE BUILDING PROCESS AND IN
13 THE DAILY INSPECTION. AND, FOLKS, THIS IS OUR
14 HOME. AND THEY ARE GOING TO COMPLY, OR THEY'RE
15 GOING TO BE OUT OF BUSINESS. WE HEAR CONCERNS
16 ABOUT AIR QUALITY. SACRAMENTO, ALL AREAS, YOU
17 KNOW THE RICE -- THE BURNING OF THE RICE STRAW.
18 WE DON'T BURN RICE STRAW. WE BURN WHEAT STRAW.
19 AND I WOULD CONTEND THAT WE CAN MAKE UP THE --
20 THAT THIS ARID WILL NOT HAVE ANY PROBLEM WITH
21 MAKING UP THE CREDITS THEY NEED FOR AIR QUALITY
22 PROBLEMS BECAUSE WE NOT ONLY BURN THE STRAW --
23 WHEAT STRAW, WE BURN ASPARAGUS, AND THAT'S JUST
24 LIKE BURNING TIRES.

25 SO WE LOOK AT AN IMPROVEMENT, NOT

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1 ONLY IN OUR AIR QUALITY, BUT WHERE YOU HAVE A
2 68-PERCENT HISPANIC POPULATION, AND WE LOOK AT JOB
3 CREATION ONE JOB AT A TIME. AND, FOLKS, THESE ARE
4 GOOD QUALITY JOBS. THE MINE IS A FINITE RESOURCE
5 OUT THERE, AND IT'S GOING TO BE GONE. BUT THAT WE
6 LOOK WITH FAVOR AT THE 100-YEAR LIFE OF THAT
7 BECAUSE NOT ONLY DOES IT GIVE US EMPLOYMENT, IT
8 GIVES US A TAX SOURCE, AND IT ALSO GIVES US THE
9 LONG-TERM EMPLOYMENT FOR OUR CITIZENS.

10 AND I WOULD CERTAINLY LIKE TO HAVE
11 YOUR TOUGHEST QUESTION. WE HAD THE OPPORTUNITY TO
12 VOTE ON EIGHT ISSUES, AND WE HAVE FIVE SUPER-
13 VISORS, AND THERE WERE 40 AYES, NOT A SINGLE NAY
14 BECAUSE THESE PEOPLE HAVE DEMONSTRATED OVER A LONG
15 PERIOD OF TIME, NOT ONLY THE ABILITY TO TAKE CARE
16 OF THE ENVIRONMENT WITH WHICH THEY ARE -- WHERE
17 THEY'RE WORKING, BUT TO IMPROVE IT. AND I WOULD
18 CERTAINLY --

19 CHAIRMAN PENNINGTON: APPRECIATE THAT.

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN --

21 CHAIRMAN PENNINGTON: ANY QUESTIONS?

22 YES, MR. CHESBRO.

23 BOARD MEMBER CHESBRO: FIRST OF ALL, AS A
24 FORMER LONGTIME COUNTY SUPERVISOR, I ALWAYS
25 WELCOME FELLOW COUNTY SUPERVISORS TO THE BOARD, SO

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1 IT'S GOOD TO HAVE YOU HERE. SOMEHOW, THOUGH, THIS
2 MORNING I MANAGED TO BE THE ONE MEMBER OF THE
3 BOARD THAT WE WEREN'T -- I DIDN'T HAVE TO REPORT
4 AN EX PARTE COMMUNICATION BECAUSE WE DIDN'T HAVE A
5 CHANCE TO TALK.

6 SUPERVISOR SHARP: I'M NOT RUNNING FOR
7 OFFICE, SO I DON'T NEED --

8 BOARD MEMBER CHESBRO: HOWEVER, I DO HAVE
9 A QUESTION FOR YOU. I'M JUST CURIOUS ABOUT THE
10 COUNTY'S -- I UNDERSTAND THE COUNTY'S DECISION TO
11 NOT DEPOSIT YOUR WASTE THERE AT THIS POINT, AND
12 WHAT'S BEHIND THE THINKING THERE.

13 SUPERVISOR SHARP: WELL, FOR ONE THING,
14 WE CAN'T AFFORD IT RIGHT AT THE MOMENT. WE HAVE A
15 JOINT PARTNERSHIP WITH SOME OF THE CITIES THAT
16 WE'RE STRUGGLING TO KEEP TOGETHER. TO BE JUST AS
17 FRANK AND HONEST AS I CAN BE, WE HAVE TO COME INTO
18 A MONETARY STREAM BEFORE WE CAN DO ANYTHING. WE
19 ARE LIVING UNDER YOUR GUN AS FAR AS PUTTING OUR
20 OWN SITES INTO COMPLIANCE, AND THERE'S URGENCY
21 THERE. WE FEEL THE PRESSURE, FOLKS, AND WE WANT
22 TO COMPLY.

23 BOARD MEMBER CHESBRO: THANK YOU.

24 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS
25 OF SUPERVISOR? THANK YOU --

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1 SUPERVISOR SHARP: CHAIRMAN, I SURE
2 APPRECIATE IT.

3 CHAIRMAN PENNINGTON: -- FOR BEING HERE
4 THIS MORNING.

5 NOW WE'LL HAVE BOB FILLER FROM THE
6 ARID OPERATIONS, WHO'S THE OPERATOR.

7 MR. FILLER: MR. CHAIRMAN, MEMBERS OF THE
8 BOARD, WE APPRECIATE THE OPPORTUNITY TO BE HERE
9 TODAY AND TO HAVE THIS BOARD AT LONG LAST CONSIDER
10 THE SOLID WASTE FACILITIES PERMIT FOR THE MESQUITE
11 REGIONAL LANDFILL.

12 I WOULD LIKE TO ACKNOWLEDGE THE
13 EFFORTS THAT HAVE BEEN MADE BY YOUR STAFF. AS I
14 INDICATED TO THE COMMITTEE LAST WEEK, THEY'VE BEEN
15 WORKING ON THIS PROJECT ALMOST AS LONG AS WE HAVE.
16 1992 A LARGE CONTINGENT OF INTEGRATED BOARD STAFF
17 MET OUT AT THE SITE, ALONG WITH THE LEA, LEAD
18 AGENCY STAFF, ALL OF THE RESPONSIBLE AGENCIES GOT
19 A GOOD LOOK AT WHERE THE SITE WAS, FOLLOWED THAT
20 UP WITH EXTENSIVE MEETINGS, AND I THINK
21 IMPORTANTLY OVER THE LAST FOUR YEARS OR SO HAVE
22 WORKED VERY CLOSELY WITH THE LEA, OF COURSE, AND
23 THE REGIONAL WATER QUALITY CONTROL BOARD STAFF IN
24 PROCESSING A JOINT APPLICATION ROWD/RDSI THAT
25 BASICALLY WAS DEALING WITH THE SPIRIT OF 1220

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1 BEFORE THE PERMIT STREAMLINING ACT ACTUALLY CAME
2 INTO BEING.

3 MOREOVER, THEY SPENT EXTENSIVE
4 AMOUNT OF TIME ALSO WORKING WITH THE LEAD AGENCIES
5 IN THE COUNTY OF IMPERIAL, AS WELL AS THE BUREAU
6 OF LANDS MANAGEMENT TO MAKE SURE THAT, IN FACT,
7 THE PERMIT DOCUMENTS THAT YOU SEE BEFORE YOU ARE
8 WHOLLY CONSISTENT WITH THE ENVIRONMENTAL WORK AT
9 THAT TIME.

10 MY BACKGROUND, AS I THINK MOST OF
11 YOU KNOW, I WAS THE MINE SUPERINTENDENT TO HELP
12 DEVELOP THE MESQUITE MINE, WAS MANAGER THERE FOR
13 ABOUT FOUR YEARS. AND ABOUT THAT TIME, I GUESS
14 FIVE YEARS AGO NOW, I WAS APPROACHED BY FOLKS AT
15 WESTERN WASTE AND SUBSEQUENTLY MADE A DECISION TO
16 GET INTO THE LANDFILL BUSINESS, AT LEAST TRIED TO
17 GET INTO THE LANDFILL BUSINESS. AND SO I
18 CONSCIOUSLY MADE THAT DECISION TO MAKE THAT
19 CHANGE.

20 I WAS A LITTLE BIT CONCERNED THIS
21 MORNING AS I LISTENED TO EDIE HARMON. IF IT'S
22 REALLY TRUE THAT THERE IS NOT GOING TO BE ANY
23 WASTE AND THAT THE MOTHER LODE IS, IN FACT, OUT
24 THERE ON THAT GUNNERY RANGE LAND, THEN CLEARLY I
25 MADE THE WRONG DECISION HERE ABOUT FIVE YEARS AGO.

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1 BUT I AM PLEASED TO SAY THAT THERE IS A LITTLE BIT
2 OF CONFUSION THAT'S BEEN BROUGHT BEFORE YOU HERE
3 THIS MORNING WITH THE LETTERS THAT YOU HAVE
4 RECEIVED. AND SO I'D LIKE TO JUST REVIEW SOME OF
5 THE FACTUAL ASPECTS OF THAT HERE THIS MORNING.

6 OF COURSE, THEY HAVE RAISED THE
7 ISSUE THAT CEQA COMPLIANCE IS NOT ACCEPTABLE
8 BECAUSE THE EIR IS INADEQUATE. THEY'VE ALLEGED
9 THAT THE ASSUMPTIONS FOR ENVIRONMENTAL ANALYSIS
10 ARE OUTDATED. AND, THEREFORE, THE STAFF REPORT
11 THAT YOUR STAFF HAS PREPARED DOESN'T ADDRESS THE
12 CEQA RESPONSIBILITIES THAT YOU HAVE. OBVIOUSLY,
13 WE DISAGREE WITH THAT.

14 I'VE GOT WITH ME JIM MOOSE THIS
15 MORNING OF THE FIRM OF REMY, THOMAS & MOOSE IN A
16 MOMENT I'D ASK TO AMPLIFY ON THE CEQA LEGAL
ISSUES

17 THAT WERE ADDRESSED HERE A LITTLE BIT EARLIER,
BUT

18 FIRST I'D LIKE TO ADDRESS SOME OF THE ALLEGATIONS
19 THAT THE ENVIRONMENTAL ANALYSIS IS NOT COMPLETE.

20 THE LETTERS AND THE TESTIMONY THAT
21 YOU HEARD THIS MORNING ALLEGE THAT THE ADJACENT
22 MESQUITE MINE, WHICH IS ANOTHER PROJECT UNDER THE
23 CONTROL OF ANOTHER OWNERSHIP, WILL, IN FACT, HAVE

24 DIFFERENT IMPACTS THAN THOSE THAT WERE
ANTICIPATED
25 IN THE LANDFILL EIR AND THAT THIS NEW INFORMATION

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1 SHOULD REQUIRE A SUPPLEMENTAL EIR BY THE
2 RESPONSIBLE AGENCY, WHICH WOULD BE THIS PANEL.
3 SIERRA CLUB SPECULATES THAT THE MINE WILL OPERATE
4 LONGER, THAT THE AIR QUALITY ANALYSIS DID NOT
5 ANTICIPATE OVERLAPPING OF THE LANDFILL AND THE
6 MINE OPERATIONS, AND THEY OFFER AS EVIDENCE THAT
7 THE HIGHER MINING RATE -- THAT THE MINING RATE
8 WOULD BE HIGHER, AND THAT THERE'S AN EXPANSION OF
9 RESERVES.

10 BUT THESE ISSUES DO NOT HAVE
11 ANYTHING TO DO WITH THE MINIMUM STANDARDS FOR
12 CONSIDERATION OF A LANDFILL, NO. 1. NO. 2,
13 THERE'S A LITTLE MISCONCEPTION HERE. A HIGHER
14 MINING RATE DOES NOT EXTEND THE LIFE OF THE MINE.
15 IF YOU MINE IT FASTER, YOU'RE GOING TO CLOSE IT
16 SOONER. AND IF THEY TOOK A CLOSE LOOK AT THE
17 JANUARY 8TH DOCUMENT IN WHICH THE IMPERIAL COUNTY
18 PLANNING COMMISSION APPROVED THE ACCELERATED RATE
19 OF MINING FOR THE GOLD MINE, THEY WOULD SEE THAT
20 THERE WAS NO EXTENSION OF THE TERM OF THE CUP.
21 AND SO AT THE END OF THE DAY, THE CUP WILL EXPIRE
22 AS IT WAS ANTICIPATED AROUND ABOUT THE YEAR 2008,
23 WHICH IS WITHIN THE 10- TO 15-YEAR TIME FRAME
24 THAT
24 WAS SPECIFIED IN THE MESQUITE LANDFILL EIR.

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1 ARE PURELY SPECULATIVE AT THIS POINT. THE
2 ALLEGATION AGAIN HAS BEEN MADE THAT THE STATE
3 LANDS COMMISSION HAS ENTERED INTO SOME KIND OF AN
4 ARRANGEMENT OR IS TRYING TO WITH SANTA FE PACIFIC
5 GOLD TO DEVELOP A MINE THAT'S OUT THERE. ONLY
6 PROBLEM WITH THAT IS STATE LANDS COMMISSION
7 DOESN'T HAVE THE LAND.

8 AS MRS. HARMON INDICATED THIS
9 MORNING, THERE IS A NOTICE OF DECISION BY THE
10 BUREAU OF LAND MANAGEMENT TO CONVEY THAT LAND.
11 THE PROTEST PERIOD IS ONGOING. AND AS OF
12 YESTERDAY AFTERNOON, IN SPEAKING WITH THE EL
13 CENTRO OFFICE OF BLM, THEY ARE ANTICIPATING A
14 PROTEST OF THAT LAND EXCHANGE. THERE'S A LOT OF
15 US IN THIS ROOM THAT ARE FAMILIAR WITH THE LENGTH
16 OF TIME IT TAKES FROM WHEN THE BLM MAKES A
17 DECISION AND WHEN, IN FACT, THE LAND EXCHANGE CAN
18 BE MADE. IN OUR CASE THAT WAS ABOUT 11 MONTHS.

19 THAT IGNORES THE FACT -- AND I KNOW
20 A LITTLE BIT ABOUT THE SUBJECT OF EXPLORATION
21 DRILLING -- THAT STATE LANDS COMMISSION DOESN'T
22 HAVE THE LAND, SO SANTA FE DOESN'T HAVE ACCESS TO
23 THE LAND. SANTA FE HAS NOT CONDUCTED ANY
24 DRILLING. THEY DO NOT KNOW IF THERE'S AN ORE BODY
25 THERE. THEY HAVE NOT MADE A DECISION, THEREFORE,

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1 TO MINE. NO ENVIRONMENTAL REVIEW HAS BEEN DONE ON
2 THAT WORK. SO, IN FACT, ANY AIR QUALITY ANALYSIS
3 WITH RESPECT TO THAT EXPANDED MINING OPERATION IS
4 AS SPECULATIVE AS THE MINE IS ITSELF.

5 THE FACT IS THAT THE SOLID WASTE
6 FACILITY PERMIT IS NOT PREDICATED ON THE MINE
7 CLOSURE. THE AIR QUALITY ANALYSIS DID
8 ANTICIPATE -- DID ANTICIPATE OVERLAP OF THE MINING
9 AND THE LANDFILLING OPERATIONS. AND, AGAIN, THIS
10 ISSUE DOESN'T REALLY SPEAK TO THE STATE MINIMUM
11 STANDARDS FOR A LANDFILL.

12 ANOTHER ALLEGATION THAT YOU HEARD
13 THIS MORNING AND WAS IN THE EARLIER LETTERS IS
14 THAT THE AIR QUALITY EMISSION OFFSET REQUIREMENTS
15 FOR THE MESQUITE REGIONAL LANDFILL HAVE NOT BEEN
16 FINALIZED. AND A CLOSE READING OF THE SOLID WASTE
17 FACILITIES PERMIT STATES THAT WE DO NOT HAVE THE
18 AUTHORITY TO CONSTRUCT AT THIS TIME. WE'RE
19 WORKING WITH THE IMPERIAL COUNTY AIR POLLUTION
20 CONTROL DISTRICT ON THAT. IN FACT, WE AGREE WITH
21 THE APCD AND THEIR CONSULTANT WITH THE U.S. EPA
22 THAT EMISSION REDUCTION CREDITS ARE REQUIRED. AND
23 WE'RE WORKING OUT THE EXTENT OF THOSE REQUIREMENTS
24 AT THE PRESENT TIME.

25 ALSO, MR. SHARP IS CORRECT IN THAT

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1 THERE ARE AMPLE CREDITS FOR THAT PURPOSE ONCE
2 THAT'S BEEN RESOLVED. AND, OF COURSE, THAT ISSUE
3 IS CURRENTLY BEFORE THE IMPERIAL COUNTY APCD AS
4 THEY PROCESS OUR APPLICATION FOR THAT PERMIT.

5 THEY FURTHER ALLEGE THAT THIS BOARD
6 CANNOT ACT WITHOUT VIOLATING CEQA, AND I'D ASK MR.
7 MOOSE TO ADDRESS THAT ISSUE. JIM.

8 BOARD MEMBER RELIS: BEFORE YOU LEAVE,
9 COULD I ASK A QUESTION. AND THIS MIGHT INVOLVE
10 MS. TOBIAS TOO. ON THE CUP MATTER THAT YOU
11 REFERENCE, CONCERNING THE LIFE OF THE MINE OR THE
12 LIFE OF THE OPERATION, MR. FILLER, YOU MENTIONED
13 THE CUP EXPIRES IN 2,008. COULD YOU ELABORATE A
14 BIT.

15 MR. FILLER: WHAT IT SAYS IS THE TERM OF
16 THE CUP, WHICH IS THE ORIGINAL CUP FOR THE MINE,
17 WOULD BE 20 YEARS WITH THE POSSIBILITY OF TWO
18 TWO-YEAR EXTENSIONS OF 24 YEARS. I SAY ABOUT
19 2,008 BECAUSE, IF MEMORY SERVES, THAT WAS ISSUED
20 IN ABOUT 1984, YOU ADD 24 YEARS TO THAT, I THINK
21 YOU GET 2,008.

22 BOARD MEMBER RELIS: SO THE NET EFFECT
23 OF
24 THAT IS THAT THE MINE WOULD CLOSE AS DISCUSSED IN
25 THE EIR? THAT'S WHAT I'M --
 MR. FILLER: WELL, AS THEY KNOW IT

TODAY.

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1 AND, IN FACT, WHEN I TALKED TO REPRESENTATIVES OF
2 THE MINE, WHICH I DO ON A FREQUENT BASIS, THEY
3 ANTICIPATE WITH THE RESERVES THAT THEY HAVE OUT
4 THERE TODAY, THAT THE MINE WILL CLOSE IN THREE OR
5 FOUR YEARS. NOW, THAT'S NOT TO SAY THAT THEY
6 WON'T EVENTUALLY HAVE ACCESS TO THE LAND THAT
7 STATE LANDS COMMISSION IS ATTEMPTING TO ACQUIRE
8 FROM THE BLM AND THEY WON'T EVENTUALLY FIND A MINE
9 OUT THERE. THAT MAY, IN FACT, BE THE CASE; BUT
10 WITH THE RESERVE BASE THAT THEY HAVE AT THE
11 PRESENT TIME AND THE PERMITS THAT THEY HAVE AT THE
12 PRESENT TIME, THEY WILL CLOSE WITHIN THE 10- TO
13 15-YEAR PERIOD THAT WE ANTICIPATED IN THE MESQUITE
14 EIR.

15 BOARD MEMBER RELIS: BUT THE GUIDING
16 PERMIT AT THIS POINT IS -- IT'S THE CUP.
17 THAT'S -- THE REST, AS I UNDERSTAND, INVOLVES SOME
18 SPECULATION ABOUT WHAT MIGHT OCCUR AT THE FUTURE
19 OF GOLD MINING BUT OUTSIDE THE AREA, BUT CURRENTLY
20 THE CUP GOVERNS THE OPERATION, AS I UNDERSTAND IT.
21 DOES COUNSEL AGREE WITH THAT?

22 MS. TOBIAS: ARE YOU SAYING THAT THE
23 CUP -- THE COUNTY USE PERMIT GOVERNS THE MINE?

24 BOARD MEMBER RELIS: THE -- I GUESS THE
25 REFERENCE TO THE 2,008 DATE OR THIS RELATIONSHIP

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1 BETWEEN THE ONGOING MINE OPERATION AND THE
2 LANDFILL, WHICH IS THE ASSERTION THAT'S BEEN MADE,
3 THAT THERE'S NOT GOING TO BE THE, I GUESS, THE
4 SEPARATION BETWEEN THE TWO AS TIME GOES ON.

5 MS. TOBIAS: IF I UNDERSTAND YOUR
6 QUESTION, SIMPLY THAT THE USE PERMIT WOULD CONTROL
7 WHEN THE MINE COULD CLOSE. THEY MAY HAVE OTHER
8 PERMITS, BUT GENERALLY NOT GOING TO BE ABLE TO
9 OPERATE WITHOUT A USE PERMIT.

10 BOARD MEMBER RELIS: OKAY. THAT'S JUST
11 WHAT I WANTED TO GET. OKAY. THANK YOU.

12 MR. FILLER: IF I MAY HAVE --

13 CHAIRMAN PENNINGTON: WE MAY WANT YOU TO
14 COME BACK MAYBE. LET'S HAVE MR. MOOSE, AND THEN
15 WE MAY WANT TO GET YOU BACK, OR WE MAY WANT TO GET
16 THIS OVER WITH.

17 MR. MOOSE: IS IT OKAY FOR ME TO TESTIFY?

18 CHAIRMAN PENNINGTON: YES, PLEASE.

19 MR. MOOSE: CHAIRMAN PENNINGTON, MEMBERS
20 OF THE BOARD, I'M JIM MOOSE. I'M ONE OF THE
21 APPLICANT'S ATTORNEYS. AND I WANT TO TELL YOU
22 THAT YOU ARE GETTING VERY SOUND LEGAL VOICE FROM
23 YOUR COUNSEL AND NOT SUCH GOOD LEGAL ADVICE FROM
24 THE OPPONENTS OF THE PROJECT. WHAT I'D LIKE TO DO
25 IS EMBELLISH ON WHAT SHE SAID AND REITERATE THE

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1 OPENING REMARKS YOU MADE AND TO TELL YOU WHY, IF
2 YOU TAKE THE LEGAL ADVICE YOU'RE HEARING OVER
3 HERE, PARADOXICALLY YOU WOULD BE VIOLATING THE LAW
4 RATHER THAN FOLLOWING THE LAW AS THEY SEE IT.

5 FIRST OF ALL, THE OPENING REMARKS,
6 OF COURSE, WERE CORRECT. UNDER PUBLIC RESOURCES
7 CODE SECTION 44009, THE MATTER BEFORE YOU IS
8 WHETHER OR NOT THIS LANDFILL MEETS STATE MINIMUM
9 STANDARDS. YOUR STAFF HAS INFORMED YOU THAT IN
10 ITS JUDGMENT IT DOES, AND I'M UNAWARE OF
11 SUBSTANTIAL EVIDENCE BEFORE YOU THAT IT DOES NOT.
12 SO IN OUR VIEW THERE IS AN OBLIGATION TO APPROVE
13 THE PERMIT.

14 ADMITTEDLY, THE CEQA LITIGATION HAS
15 ADDED SOME COMPLEXITIES AND RAISED SOME LEGAL
16 ISSUES THAT ARE DIFFICULT FOR THE LAYPERSON TO
17 SORT THROUGH. BUT I THINK ONCE SOMEONE LOOKS
AT
18 THE STATUTES, THE ANSWERS ARE VERY CLEAR.

19 AS MS. TOBIAS MENTIONED, PUBLIC
20 RESOURCES CODE SECTION 21167.3 NOT ONLY DOES
NOT
21 REQUIRE YOU TO HOLD OFF ON TAKING ACTION UNTIL
THE
22 LITIGATION IS RESOLVED, IT ACTUALLY REQUIRES
YOU

23 TO PROCEED AS THOUGH THE LITIGATION WERE NEVER
24 FILED. AND THERE IS A COURT OF APPEAL
DECISION IN
25 THIS PART OF THE STATE, THE THIRD DISTRICT
COURT

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1 OF APPEAL IN SACRAMENTO, THAT SAYS CLEARLY THE
2 REASON FOR THAT STATUTE IS POLICIES FROM THE
3 LEGISLATURE DESIRING THAT CEQA LITIGATION BE
4 RESOLVED IN ONE FORUM IN A LAWSUIT AGAINST THE
5 LEAD AGENCY; AND WHILE THAT LITIGATION IS PENDING,
6 RESPONSIBLE AGENCIES ARE TO TREAT THE DOCUMENT AS
7 ADEQUATE WITH THE UNDERSTANDING THAT APPLICANTS
8 PROCEED AT THEIR OWN RISK.

9 THIS APPLICANT IS WILLING PROCEED AT
10 ITS OWN RISK BECAUSE IT'S QUITE CONFIDENT THAT THE
11 LITIGATION WILL BE RESOLVED IN OUR FAVOR. WE HAVE
12 SUPPLIED YOU FOLKS PREVIOUSLY WITH A CHART THAT
13 LAID OUT ALL OF THE ARGUMENTS THAT WERE ORIGINALLY
14 PLED IN THE LAWSUIT. IT ALSO NOTED WHICH ONES
15 WERE ABANDONED PRIOR TO BRIEFING AND WHICH ONES
16 ACTUALLY PREVAILED, AND THE NUMBER OF ISSUES THAT
17 PREVAILED COMPARED TO THE NUMEROUS ALLEGATIONS
18 THAT WERE MADE ORIGINALLY IS A VERY, VERY SMALL
19 PORTION OF THE ORIGINAL AMOUNT.

20 WHAT WE HAVE IS A SHOTGUN ATTACK.
21 WE'VE HAD THIS SHOTGUN ATTACK; WE'VE HAD IT IN
22 FRONT OF THE REGIONAL WATER QUALITY BOARD; WE
23 HAVE
24 IT HERE, BUT NOTHING IS STICKING OTHER THAN VERY,
25 VERY MINOR ISSUES WHICH HAVE BEEN ADEQUATELY
26 DEALT

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1 SO THE LAW CLEARLY REQUIRES YOU TO
2 DISREGARD THE CEQA LITIGATION, AND WE ARE WILLING
3 TO PROCEED AT OUR OWN RISK.

4 NOW, JUST IN THE LAST FEW DAYS, A
5 NEW ALLEGATION HAS EMERGED FROM THE SIERRA CLUB
6 LEGAL DEFENSE FUND WHICH IS COLORABLE LEGALLY, BUT
7 IS FACTUALLY UNSUPPORTABLE. AND THAT ALLEGATION
8 IS THAT THERE IS THE OBLIGATION TO PREPARE A
9 SUPPLEMENTAL EIR BECAUSE OF NEW INFORMATION THAT
10 WAS NOT KNOWN WHEN THE ORIGINAL EIR WAS CERTIFIED.
11 NOW, THAT ARGUMENT IS GOVERNED BY PUBLIC RESOURCES
12 CODE SECTION 21166, WHICH IS CONSPICUOUSLY NOT
13 CITED IN THE MATERIAL SUPPLIED BY THESE FOLKS'
14 ATTORNEYS. AND I THINK THAT PROBABLY THE REASON
15 FOR THAT IS THAT THE CASE LAW INTERPRETING THAT
16 STATUTE, AS WELL AS THE LANGUAGE OF THAT STATUTE
17 ITSELF, WOULD MAKE IT VERY CLEAR THAT THEIR
18 ARGUMENT IS VERY, VERY THIN INDEED.

19 THAT STATUTE SAYS THAT ONCE AN EIR
20 HAS BEEN CERTIFIED, NO ADDITIONAL EIR CAN BE
21 REQUIRED UNLESS CERTAIN THINGS HAPPEN. AND THE
22 ONE FACTOR THAT IS PERTINENT HERE IS THAT AN EIR
23 MIGHT BE REQUIRED IF THERE WAS NEW INFORMATION
24 REFLECTING CHANGED CIRCUMSTANCES, SHOWING THAT
25 MAJOR REVISIONS WERE REQUIRED IN THE UNDERLYING

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1 EIR DUE TO EITHER NEW SIGNIFICANT EFFECTS ON THE
2 ENVIRONMENT OR A SUBSTANTIAL INCREASE IN THE
3 SEVERITY OF PREVIOUSLY IDENTIFIED SIGNIFICANT
4 IMPACTS.

5 THE IMPACT THAT WAS RAISED HERE IS
6 AN AIR QUALITY IMPACT, PM-10 IMPACT. THE EIR
7 IDENTIFIED THAT IMPACT AS CUMULATIVELY
8 SIGNIFICANT. SO THERE'S NO WAY THAT ANYONE HERE
9 IS ALLEGING A NEW SIGNIFICANT EFFECT ON THE
10 ENVIRONMENT. THE ONLY POSSIBLE THING THEY COULD
11 BE ALLEGING IS A SUBSTANTIAL INCREASE IN THE
12 SEVERITY OF THAT ALREADY IDENTIFIED CUMULATIVELY
13 SIGNIFICANT PM IMPACT, WHICH WOULD REQUIRE MAJOR
14 REVISIONS TO THE EIR. AND I SUBMIT TO YOU THERE
15 IS NO SUBSTANTIAL EVIDENCE BEFORE YOU THAT WOULD
16 SUPPORT A DETERMINATION THAT THERE IS A REQUIRE-
17 MENT FOR A SUPPLEMENTAL EIR ON THIS RECORD.

18 AND I WOULD GO FURTHER AND EVEN
19 ARGUE THAT EVEN IF WE ASSUME, FOR THE SAKE OF
20 ARGUMENT, THAT THEY HAD MADE SUCH A FACTUAL
21 SHOWING, THIS BODY, WHICH DOES NOT HAVE
22 JURISDICTION OVER PM-10, WOULD NOT BE THE
23 APPROPRIATE BODY FOR THEM TO MAKE THAT ARGUMENT
24 TO. I THINK WHEN YOU LOOK AT AB 1220, YOU LOOK
AT
25 THE PROVISIONS OF CEQA THAT SAY RESPONSIBLE

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1 AGENCIES IN COMMENTING ON EIR'S OUGHT TO LIMIT
2 THEIR COMMENTS TO ISSUES WITHIN THEIR
3 JURISDICTION, WE COME UP WITH A RESULT THAT WOULD
4 BE ANOMALOUS INDEED FOR THIS BODY TO PREPARE AN
5 EIR SOLELY ON AIR ISSUES EVEN THOUGH YOU HAVE NO
6 JURISDICTION TO IMPOSE MITIGATION DEALING WITH ANY
7 IMPACTS THAT MIGHT ARISE.

8 SO I WOULD RESPECTFULLY SUBMIT THAT
9 YOU DISREGARD WHAT I HEARD AS AN IMPLIED THREAT
10 AGAINST YOU WHEN YOU WERE ASKED WHETHER WE WERE
11 INDEMNIFYING YOU. THANKFULLY, I DON'T THINK
12 ANYONE HAS EVER ASKED US IF WE WOULD BE WILLING TO
13 DO THAT. THE LAW IS CONTRARY TO WHAT THEY'RE
14 TELLING YOU. AND I'VE HEARD THEM SAY THESE THINGS
15 NOW SO OFTEN, THAT I'M BEGINNING TO THINK IT'S A
16 WILLFUL DECISION ON THEIR PART NOT TO ACQUAINT
17 THEMSELVES WITH THE LAW BECAUSE THEY'RE GETTING IT
18 WRONG EVERY TIME.

19 THEY NEVER SEEM TO ACKNOWLEDGE
20 PUBLIC RESOURCES CODE 21167.3. THEY KEEP SAYING
21 THE JUDGE HASN'T RULED ON THE EIR; THEREFORE, YOU
22 CANNOT ACT. I WOULD ASK THEM TO GO READ THE CITY
23 OF REDDING CASE, THE 3D APPELLATE DISTRICT CASE,
24 WHICH SAYS THEY'RE COMPLETELY WRONG. THE LAW IS
25 TO THE CONTRARY. AND THEY HAVE NOT MADE A SHOWING

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1 THAT THERE IS A NEED FOR A SUPPLEMENTAL EIR. THEY
2 SIMPLY HAVE NOT MADE THAT SHOWING. THERE'S NO
3 EVIDENCE BEFORE YOU THAT WOULD SUPPORT THAT
4 DECISION. AND I'D BE HAPPY TO TAKE ANY COMMENTS
5 FROM YOU.

6 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
7 MOOSE?

8 CHAIRMAN PENNINGTON: OKAY. MR. MOOSE,
9 WE THANK YOU.

10 MR. MOOSE: THANK YOU VERY MUCH.

11 CHAIRMAN PENNINGTON: SEEM TO BE NO
12 QUESTIONS. DO WE HAVE ANY QUESTIONS OF MR.
13 FILLER?

14 BOARD MEMBER GOTCH: MR. FILLER, IF YOU
15 CAN GIVE ME A BETTER UNDERSTANDING OF THE PROCESS
16 OF STORAGE WITH THE RECYCLABLES. I KNOW YOU WENT
17 OVER THIS IN COMMITTEE THE OTHER DAY, BUT I NEED
18 TO HAVE A BETTER UNDERSTANDING OF THIS.

19 MR. FILLER: PERHAPS WITH THAT I COULD
20 ASK THE TECHNICAL PEOPLE, DR. ELLISON, TO ADDRESS
21 THAT IF I MAY.

22 BOARD MEMBER GOTCH: CERTAINLY. THANK
23 YOU.

24 DR. ELLISON: AT THE VERY BEGINNING OF
25 THE PROJECT, THE -- WHEN THE ENTIRE CONCEPT WAS

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1 BEING DEVELOPED, THE ISSUE CAME UP THAT THERE WERE
2 DIFFICULTIES WITH RECYCLABLE STORAGE AND MARKETING
3 IN THE SOURCE AREAS. AND SO THE ARID MADE THE
4 CONCESSION THAT THEY WOULD PROVIDE A MEANS FOR
5 STORAGE OF RECYCLABLES.

6 THE THOUGHT AT THAT TIME WAS THAT IF
7 YOU HAD SMALL TRANSFER STATION STORAGE AREAS, THAT
8 THEY WOULD HAVE A DIFFICULT TIME FINDING MARKET.
9 IF THERE WERE SHORT-TERM DIFFICULTY WITH MARKET,
10 THAT IF YOU CONSOLIDATED MATERIALS, THERE MIGHT BE
11 A TIME WHEN THE MARKET WOULD INCREASE. SO IT WAS
12 SORT OF A POSITIVE ASPECT THAT ARID THOUGHT THAT
13 THEY WERE GOING TO GIVE TO THE COMMUNITIES, THAT
14 THEY WOULD HAVE A TWO-YEAR PERIOD OF STORING THIS
15 MATERIAL TO WAIT FOR THE MARKET TO CORRECT ITSELF.

16 THE LEA HAD QUESTIONS ABOUT THIS
17 THROUGHOUT THE PROCESS, AND THERE ARE CONDITIONS
18 IN THE CUP, PRIMARILY AS A RESULT OF THE LEA, THAT
19 REQUIRES THAT HE HAVE -- THAT THE LEA HAVE DIRECT
20 APPROVAL OF THE MATERIALS THAT WOULD COME, DIRECT
21 APPROVAL OF THE WAY THEY'RE STORED, DIRECT
22 APPROVAL OF THE WAY THAT THEY'RE PROTECTED FROM
23 RAINFALL.

24 AND AT THE END OF THE TWO YEARS THE
25 MATERIAL HAS TWO OPTIONS. ONE, IT COULD BE PUT IN

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1 THE LANDFILL; THAT IS, AT THE DISCRETION OF THE
2 LEA. AND THE LEA WOULD HAVE TO DETERMINE ITS
3 IMPACT ON DIVERSION. AND IF THE LEA DETERMINES IT
4 IS NOT SUITABLE FOR PUTTING BACK IN THE LANDFILL,
5 THEN IT WILL BE RETURNED BACK TO THE ORIGIN. SO
6 THE GROUP WITH THE ORIGIN HAD THIS TWO-YEAR WINDOW
7 TO TRY TO FIND A MARKET, AND THAT'S THE ESSENCE OF
8 WHAT -- HOW THAT PROCESS DEVELOPED.

9 BOARD MEMBER GOTCH: SO IF IT'S RETURNED
10 BACK TO THE JURISDICTION, THEN THEIR OPTIONS ARE
11 PUT IT ON A TRAIN BACK TO THE --

12 DR. ELLISON: THEY'RE BASICALLY -- IF
13 THEY HAVE NO MARKET AT THAT TIME, THEY'RE THE SAME
14 SPOT THAT THEY WERE AT THE POINT WHERE THEY WERE
15 GOING TO STORE IT IN THEIR LOCATION, BUT THEY
16 WOULD HAVE NOW TWO YEARS TO MAKE ARRANGEMENTS FOR
17 SOME OTHER TYPE OF STORAGE. BUT -- SO I DON'T
18 THINK THE ORIGIN IS ANY WORSE OFF BECAUSE THEY NOW
19 HAD A BUFFER PERIOD TO DETERMINE WHAT TO DO WITH
20 IT.

21 BUT IT WOULD NOT BE DISPOSED IN THE
22 LANDFILL UNLESS IT WAS DETERMINED BY THE LEA THAT
23 THAT WAS ACCEPTABLE AND THEY WERE STILL WITHIN
24 JURISDICTION OF THEIR DIVERSION REQUIREMENTS.
25 AND, JERRY, IS THAT A FAIRLY

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1 ACCURATE SUMMARY OF YOUR POSITION?

2 MR. QUICK: THERE IS AN EXCEPTION TO
3 THAT. IT WAS WITH APPROVAL OF THE CALIFORNIA
4 INTEGRATED WASTE MANAGEMENT BOARD AND THE LEA.
5 IT'S NOT LEFT UP TO THE LEA ALONE.

6 BOARD MEMBER RELIS: COULD I PURSUE THAT
7 A SECOND BECAUSE I RAISED THIS QUESTION IN
8 COMMITTEE. I DON'T THINK THIS IS AN LEA DECISION
9 WHETHER MATERIAL GETS LANDFILLED OR NOT. I THINK
10 THAT'S AN OPERATIONAL ISSUE. AND I RAISED THE
11 QUESTION WHAT'S THE FEEDBACK SYSTEM IF IT'S
12 DECIDED THAT RECYCLABLES THAT HAVE BEEN RECEIVED
13 AND PUT INTO STORAGE ARE INDEED LANDFILLED AT SOME
14 SUBSEQUENT POINT AND A LOCAL JURISDICTION HAS
15 CLAIMED DIVERSION CREDIT FOR THAT. WE NEED SOME
16 SORT OF -- THERE NEEDS TO BE SOME SORT OF TRACKING
17 SYSTEM SO THAT THAT WOULD GO -- THEY WOULD NOT
18 RECEIVE THAT DIVERSION CREDIT. IT WOULD BE BACKED
19 OUT.

20 DR. ELLISON: THAT'S A VERY GOOD POINT.

21 BOARD MEMBER RELIS: IT'S NOT AN LEA
22 MATTER.

23 DR. ELLISON: THERE WOULD BE A CONTRACT
24 WITH THE ORIGIN OF THE MATERIAL, AND THAT CONTRACT
25 WOULD FUNDAMENTALLY SAY THAT THIS IS A TEMPORARY

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1 STORAGE, AND THE CONTRACT WOULD SAY THAT THE
2 MATERIAL WILL BE RETURNED WITHIN TWO YEARS UNLESS
3 THERE IS A PAPER TRAIL SAYING THAT IT COULD BE
4 LANDFILLED IF DIVERSIONS WERE MET. BUT THE INTENT
5 OF THE CONTRACT WOULD BE THAT THE MATERIAL WILL BE
6 RETURNED OR SHIPPED TO A MARKET WITHIN THAT
7 TWO-YEAR PERIOD. THERE WILL BE A CLEAR PAPER
8 TRAIL OF THAT.

9 BOARD MEMBER RELIS: FOR OUR PURPOSES,
10 WERE THIS PERMIT TO BE GRANTED, IT WILL BE AN
11 ENFORCEMENT ISSUE ON THE LOCAL JURISDICTIONS AND
12 THEIR SRRE AND THEIR IMPLEMENTATION PROGRAM. I
13 THINK THAT'S HOW I SEE IT.

14 BOARD MEMBER CHESBRO: SO IS WASTE THAT
15 IS SENT FOR LONG-TERM STORAGE IN THE YEAR 2000 AND
16 TWO YEARS LATER PUT IN THE LANDFILL, IS THAT
17 DIVERSION OR JUST DEFERRED DISPOSAL? I THINK THIS
18 RAISES ALL KINDS OF BIZARRE QUESTIONS THAT ARE
19 VERY DIFFICULT TO ANSWER.

20 AND THE QUESTION IS HAVE YOU
21 BASICALLY DEFERRED THE TIPPING FEE WHEN, IN FACT,
22 THIS WASTE ULTIMATELY WINDS UP IN A LANDFILL?
23 STORED AT A PERMITTED LANDFILL SITE FOR EVENTUAL
24 DISPOSAL, BUT DIDN'T PAY THE FEE -- THE DISPOSAL
25 FEE INITIALLY. IT'S ALSO VERY HARD FOR ME TO PUT

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1 MY FINGER ON WHAT THE DIFFERENCE BETWEEN LONG-TERM
2 STORAGE AND DISPOSAL REALLY IS.

3 BOARD MEMBER JONES: COULD I GET INVOLVED
4 IN THIS CONVERSATION. AS AN OPERATOR, YOU KNOW,
5 THERE ARE TIMES WHEN WE HAVE TO WAREHOUSE LARGE
6 QUANTITIES OF MATERIAL.

7 BOARD MEMBER CHESBRO: YOU EVER STORE
8 ANYTHING FOR TWO YEARS IN THE DESERT?

9 BOARD MEMBER JONES: YEAH, I DID. NOT IN
10 THE DESERT, SOME, BUT I DID IN SAN FRANCISCO, 850
11 TONS OF NEWSPAPER BECAUSE THERE WAS NOWHERE TO
12 SELL IT. SO, YOU KNOW, THE ISSUE OF -- I MEAN
13 HERE'S AN OPERATOR THAT'S OFFERING A PLACE TO
14 STORE MATERIAL BECAUSE WE DIDN'T HAVE ANYWHERE TO
15 STORE IT, AND THERE ARE TIMES WHEN THAT STUFF GETS
16 LANDFILLED BECAUSE THERE'S NO MARKET. THAT'S NOT
17 OUR PURVIEW. THAT'S UP TO THE OPERATOR AND TO
18 THAT JURISDICTION. IT'S NOT UP TO US BECAUSE IT'S
19 THEIR -- IT'S THEIR ISSUE AS TO WHAT THEY WANT TO
20 DO WITH IT. IF THEY CAN'T FIND A MARKET FOR IT,
21 THAT'S WHY IT'S GOING TO GO UP.

22 I MEAN IT'S AMAZING THAT SOMEBODY
23 WOULD OFFER PEOPLE A PLACE TO STORE, WHICH THAT'S
24 ALL IT IS, IT'S OUTSIDE STORAGE OF RECYCLABLE
25 COMMODITIES, THAT IF YOU CAN'T FIND A MARKET FOR

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1 MEASUREMENT DURING A ONE-YEAR PERIOD THOUGH. AND
2 SO ARE WE GOING TO HAVE TO SET UP A REGULATORY
3 PROCESS TO DETERMINE WHAT HAPPENS IF YOU MEASURED
4 DURING THAT ONE-YEAR PERIOD AND THEN LATER YOU
5 FIND OUT THAT, IN FACT, THERE WAS WASTE THAT GOT
6 SET ASIDE SOMEWHERE THAT WOUND UP IN THE LANDFILL?

7 BOARD MEMBER RELIS: WELL, RATHER THAN
8 SPECULATE ON THIS, I WOULD ASK STAFF TO RESPOND AS
9 TO WHETHER THIS WILL BE TRACKED THROUGH THE
10 DISPOSAL REPORTING SYSTEM. WHAT WOULD BE THE --

11 MS. HAMBLETON: I DON'T KNOW IF THIS
12 HELPS. SUZANNE HAMBLETON. THERE IS IN THE
13 CONDITIONS OF THE PERMIT, IT SAYS THAT WE HAVE TO
14 APPROVE IT BEFORE IT GETS THERE. SO WE WILL KNOW
15 THAT IT'S COMING. SO IN TURN --

16 BOARD MEMBER CHESBRO: WHAT BEFORE IT
17 GETS THERE?

18 MS. HAMBLETON: APPROVE THE RECYCLABLE
19 MATERIAL TO BE STORED.

20 BOARD MEMBER CHESBRO: WHO WILL APPROVE
21 IT?

22 MS. HAMBLETON: THE LEA AND THE BOARD.

23 BOARD MEMBER CHESBRO: THE BOARD WILL
24 HAVE AN ACTION BEFORE IT TO APPROVE SOMEONE
25 STORING WASTE THERE, OR THIS IS A STAFF LEVEL

22 MY OPINION, GONE FAR AFIELD, BUT LET ME ANSWER
23 YOUR QUESTION BECAUSE I CAN SEE IT'S CERTAINLY
24 IMPORTANT TO YOU, MR. RELIS. FOR EXAMPLE, WE
HAVE
25 RIGHT NOW QUITE A BIT OF DIVERSION GOING ON. AS

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1 YOU KNOW, MATERIAL IS BEING STOCKPILED FOR
2 COMPOSTING OPERATIONS. WE HAVE, FOR EXAMPLE, THE
3 WHITE FEATHER FARM SITUATION WHERE MATERIAL THAT
4 IS DIVERTED IS STOCKPILED.

5 WE DO NOT HAVE AT THIS TIME A
6 SEPARATE ACCOUNTING SYSTEM TO GO INTO ALL OF THE
7 MATERIAL THAT HAS BEEN DIVERTED FROM THE
8 WASTESTREAM WITH A GOOD INTENTION FOR REUSE FOR
9 RECYCLABLE MATERIALS, BUT FOR PERHAPS OTHER
10 REASONS HAS NOT FOUND A HOME AND IS GOING TO FIND
11 ITS WAY BACK TO A LANDFILL OR IS GOING TO FIND ITS
12 HOME AT SOME POINT WITHOUT AN INTENDED PURPOSE.

13 IF THE BOARD WANTS TO BRING A POLICY
14 ITEM FORWARD WHERE WE CAN FINE-TUNE AN ACCOUNTING
15 SYSTEM AROUND HOW TO DEAL WITH MATERIALS THAT ARE,
16 IF YOU WILL, LOOKING FOR MARKET AS THEY'VE BEEN
17 DIVERTED AT A MRF OR A TRANSFER STATION TO FIND
18 THAT MARKET HOME FOR TRUE REUSE, THEN I THINK WE
19 NEED TO CALENDAR THAT ITEM.

20 BOARD MEMBER RELIS: I THINK THIS IS
21 ACTUALLY A VERY SIMPLE, DIRECT MATTER. I DON'T
22 KNOW WHY YOU FEEL THAT --

23 MR. CHANDLER: SO IS YOUR QUESTION DO WE
24 HAVE MATTER OF TODAY TO DECIDE THE QUESTION OF
25 WHETHER --

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1 BOARD MEMBER RELIS: THAT'S WHAT -- I'M
2 ASKING FOR CLARIFICATION. I WANTED TO KNOW IF
3 THERE'S A TRACKING SYSTEM. AND IT'S BECAUSE THIS
4 IS BROUGHT UP IN THE PERMIT. IT'S NOT -- WE DON'T
5 HAVE THIS EVERY DAY WHERE SOMEONE IS PROPOSING TO
6 STORE MATERIAL. I'M NOT MAKING A BIG DEAL ABOUT
7 IT. I'M MAKING -- IT'S BEEN BROUGHT UP AT
8 COMMITTEE, AND SO IT'S A SIMPLE MATTER OF
9 ACCOUNTING. DO WE HAVE AN ACCOUNTING SYSTEM? IF
10 WE DON'T, I'D LIKE TO SEE AN ACCOUNTING SYSTEM.

11 DR. ELLISON: I BELIEVE THAT THERE IS AN
12 ACCOUNTING SYSTEM. I BELIEVE THAT THE BOARD STAFF
13 AND THE LEA WILL KNOW IF MATERIAL WAS PLACED
14 THERE, OR THEY WILL DISALLOW IT TOTALLY. THEY
15 WILL KNOW WHEN IT'S RETURNED, AND THEY'LL KNOW IF
16 SOMEONE DESIRES TO LANDFILL IT, AND THEN THEY'LL
17 HAVE THE APPROVAL AUTHORITY.

18 AND I'D LIKE TO GET BACK TO THE VERY
19 BEGINNING, THAT THIS WAS A POSITIVE GESTURE ON THE
20 APPLICANT TO HELP PEOPLE SOLVE A PROBLEM. THERE'S
21 NO FUNDAMENTAL ECONOMIC GAIN TO THE APPLICANT TO
22 DO THIS. HE'S JUST TRYING TO BE A GOOD PERSON.

23 CHAIRMAN PENNINGTON: MR. FRAZEE.

24 BOARD MEMBER FRAZEE: MR. CHAIRMAN, WHEN
25 ALL ELSE FAILS, READ THE PERMIT. AND IT CLEARLY

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1 STATES THAT THERE ARE TWO SUCH OPPORTUNITIES FOR
2 THIS BOARD TO EXERCISE APPROVAL. ONE, STATING THE
3 OPERATOR SHALL SUBMIT A RECYCLABLE MATERIAL
4 START-UP PLAN TO THE LEA FOR APPROVAL BY THE
5 IMPERIAL COUNTY PLANNING DEPARTMENT LEA AND CIWMB
6 PRIOR TO THE ACCEPTANCE OF SUCH MATERIALS. AND
7 THEN FURTHER, THE DISPOSAL OF SUCH MATERIALS SHALL
8 NOT BE PERMITTED WITHOUT WRITTEN APPROVAL OF BOTH
9 THE LEA AND THE CIWMB. SO THAT IT'S ACTUALLY AN
10 IN-AND-OUT ACCOUNTING.

11 MR. CHANDLER: SEE, I UNDERSTOOD SUZANNE
12 TO MAKE REFERENCE TO THAT. THE QUESTION WAS
13 WHETHER THIS WAS A STAFF APPROVAL OR A BOARD
14 APPROVAL. BUT I UNDERSTOOD MR. RELIS' QUESTION TO
15 GO BEYOND THAT AND ASK IF WE WERE GOING TO PUT IN
16 PLACE A REGULATORY PROCESS FOR DOING JUST THAT
17 ACCOUNTING. AND THAT'S, I GUESS, WHAT I WAS
18 REFERRING AS THAT MIGHT HAVE TO BE A LARGER MATTER
19 FOR THIS BOARD.

20 YOU'RE RIGHT, MR. FRAZEE. CLEARLY
21 THE PERMIT REQUIRES FOR NOTIFICATION AND THE
22 BOARD'S RECEIPT OF THIS INFORMATION AND APPROVAL,
23 BUT IT IS PERTAINING TO THIS PERMIT. AND WE DON'T
24 HAVE A LARGER PROCESS PLANNED FOR THESE KIND OF
25 MATERIALS THAT ARE IN FLOW BETWEEN THE DIVERSION

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1 THAT OCCURS AND THE ULTIMATE HOME THEY MAY OR MAY
2 NOT FIND IN THE MARKETPLACE.

3 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
4 QUESTIONS OF MR. FILLER? THANK YOU, MR. FILLER.

5 I'D LIKE TO EMPHASIZE THAT WE MUST
6 TAKE ACTION ON THE PERMIT APPLICATION EVEN THOUGH
7 OPPONENTS OF THE PROJECT HAVE FILED A CEQA LAWSUIT
8 THAT IS NOT YET COMPLETELY RESOLVED. IT'S MY
9 UNDERSTANDING THAT, AS A RESPONSIBLE AGENCY, WE
10 NOT ONLY MAY ACT ON THE FACILITIES PERMIT
11 APPLICATION, BUT WE MUST TAKE ACTION. STATE LAW
12 REQUIRES US TO TREAT THE EIR AS BEING LEGALLY
13 VALID DESPITE THIS PENDING LAWSUIT.

14 THE RECORD CONTAINS SUBSTANTIVE
15 EVIDENCE THAT THERE IS NOT A BIAS ON WHICH TO FIND
16 THAT A SUBSEQUENT ENVIRONMENTAL DOCUMENT IS
17 REQUIRED UNDER PRC SECTION 21166. THE SAME LAW
18 ALLOWS THE APPLICANT TO PROCEED WITH ITS PERMIT AT
19 ITS OWN RISK.

20 IF WE CAN MOVE FORWARD, I'LL
21 ENTERTAIN A MOTION.

22 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN,
23 I WOULD MOVE ADOPTION OF PERMIT DECISION 97-89.

24 BOARD MEMBER JONES: I'LL SECOND IT.
25 CHAIRMAN PENNINGTON: OKAY.

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1 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'M
2 GOING TO, EVEN THOUGH -- LET ME START OFF BY
3 SAYING I THINK THERE ARE SOME VERY POSITIVE THINGS
4 ABOUT THIS PROJECT. I THINK THAT THE REQUIRE-
5 MENTS -- CONTRACTS FOR DELIVERY OF WASTE REQUIRE
6 COMPLIANCE WITH AB 939 WAS A VERY POSITIVE
7 DEVELOPMENT. IT'S A STATE-OF-THE-ART FACILITY.
8 THERE ARE MANY, MANY GOOD THINGS ABOUT IT, AND I'M
9 NOT AGAINST IT IN PRINCIPLE OR IN GENERAL.

10 BUT I AM GOING TO VOTE NO ON IT FOR
11 A COUPLE OF REASONS. ONE IS THAT I'M NOT
12 SATISFIED THAT CEQA HAS BEEN ADEQUATELY COMPLIED
13 WITH FROM THE STANDPOINT OF WHETHER OR NOT THE
14 DOCUMENT ADEQUATELY CONSIDERS THE CUMULATIVE
15 IMPACTS AND THE QUESTION OF WHETHER OR NOT, IN
16 FACT, REDUCTION IN MINING HAD BEEN COUNTED ON IN
17 THE ORIGINAL ENVIRONMENTAL DOCUMENT AS PART OF THE
18 OFFSET WHEN, IN FACT, THAT DOES NOT APPEAR TO BE
19 THE CASE.

20 AND SECONDLY, THE QUESTION OF
21 STORAGE OF RECYCLABLES AT A PERMITTED SOLID WASTE
22 FACILITY RAISES A WHOLE HOST OF QUESTIONS THAT I
23 DON'T FEEL HAVE BEEN ADEQUATELY ANALYZED AND
24 EXPLORED AND WE WILL HAVE TO DEAL WITH IN A
25 CATCH-UP, AFTER-THE-FACT FASHION OF TRYING TO

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1 UNDERSTAND WHEN LONG-TERM STORAGE IS DISPOSAL AND
2 WHEN IT'S RECYCLING AND HOW WE DETERMINE THAT. I
3 THINK THERE'S MANY QUESTIONS THAT REMAIN TO BE
4 ANSWERED, AND I'M NOT COMFORTABLE APPROVING THAT
5 AT THIS TIME WITHOUT THOSE QUESTIONS BEING
6 ANSWERED.

7 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
8 COMMENTS?

9 BOARD MEMBER RELIS: MR. CHAIR, I JUST
10 WANTED TO NOTE THAT LAST WEEK WHEN WE VOTED ON
11 THIS IN COMMITTEE, I HAD GONE THROUGH, I THINK, IN
12 DETAIL MANY OF THE STATEMENTS THE SIERRA CLUB
13 MADE, AND I'VE TRIED TO FIND UNDER OUR AUTHORITY,
14 OUR NARROWER AUTHORITY THAN CERTAINLY THE BROAD
15 LAND USE ISSUES AND THE DESIRE WHETHER OR NOT THIS
16 IS A GOOD THING. I KNOW A LOT OF PEOPLE CERTAINLY
17 IN THE DESERT AREA, AND IT WOULD BE TRUE ANYWHERE
18 IN THE STATE WHERE YOU LIVE, WISH IN SOME CASES
19 THAT THIS BOARD HAD LAND USE POLICY DECISION-
20 MAKING AUTHORITY. WE DON'T. WE DON'T DETERMINE.
21 THE LEGISLATURE DIDN'T GIVE US THE AUTHORITY TO
22 SAY WHERE A LANDFILL COULD BE OR ITS SIZE, BUT
23 GAVE US THE AUTHORITY TO FOCUS ON THE STATE
24 MINIMUM STANDARDS.
25 AND LAST WEEK WHEN I WAS REVIEWING

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1 THIS AND LOOKING AT THE RECORD, I LOOKED AT THE
2 COVER, THE CYANIDE ISSUE, THE DUST. WE WENT OVER
3 THE DUST PROVISIONS. THE DIVERSION REQUIREMENT,
4 THOUGH NOT A REQUIREMENT UNDER LAW, CERTAINLY
5 SPEAKING TO THE ISSUE RAISED BY THE SIERRA CLUB,
6 THE CONCERN ABOUT THE HIERARCHY, REDUCTION,
7 RECYCLING, AND LANDFILLING, BEING THE SEQUENCE.

8 THE BOARD HAS UNDER A PERMIT
9 PROPOSAL LIKE THIS A FRAMEWORK WHERE THE REDUCTION
10 OCCURS UP FRONT. SO TO MEET AB 939 REQUIREMENTS,
11 WHICH IS ONE OF OUR PRIMARY RESPONSIBILITIES, THE
12 APPLICANT HAS PROVIDED AND STATED ON RECORD, AND
13 WE HAVE THAT IN THE PERMIT CONDITION, THAT THEY
14 WILL ONLY CONTRACT WITH CITIES THAT COMPLY WITH
15 THE -- THEY USE THE TERM "CIWMB," BUT IN
16 CLARIFICATION LAST WEEK, THAT'S REALLY REFERRING
17 TO AB 939, THE 25- AND THE 50-PERCENT DIVERSION
18 REQUIREMENT.

19 I AM CONVINCED THAT WE PROBABLY
20 CANNOT DEFER THIS DECISION EVEN IF THERE WAS SOME
21 QUESTION, WHICH I'M NOT CONVINCED THERE IS, ON
22 THE
23 EIR MATTER BECAUSE THAT WILL BE DETERMINED BY THE
24 COURTS. IF THE COURTS DECIDE AGAINST THE
25 APPLICANT, THEN IT'S MY UNDERSTANDING THE PERMIT

25 PROCESS WOULD BE NULL AT THAT POINT. AM I

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1 CORRECT, COUNSEL?

2 MS. TOBIAS: WELL, I THINK IT WOULD
3 DEPEND ON HOW THE COURT STRUCTURED THE REMEDIES,
4 BUT I THINK WHAT YOU COULD BE ASSURED IS THAT IF
5 THE UNDERLYING DOCUMENTATION IS CHANGED AND IF
6 THEIR OTHER PERMITS CHANGE, THEIR LAND USE PERMIT
7 CHANGED OR WHATEVER, THAT WOULD BE CAUSE FOR
8 EITHER A REVISION OR TO BE COMING BACK BEFORE THE
9 BOARD. SO I CAN'T EXACTLY ADDRESS HOW THE COURT
10 WOULD STRUCTURE THAT RELIEF FOR THE OPPONENTS, BUT
11 YOU COULD BE ASSURED THAT YOU WOULD SEE, YOU KNOW,
12 THIS PROJECT IN SOME KIND OF GUISE AT THAT POINT.

13 BOARD MEMBER RELIS: AND FINALLY, JUST
14 TWO OTHER POINTS. ON THE STORAGE ISSUE, WHILE I
15 AGREE THAT IT'S UNUSUAL, I THINK IT'S AN
16 ACCOUNTING MATTER. I THINK WE HAVE THE TOOLS. I
17 WOULD LIKE TO SEE, IF THIS COMES BACK, THAT WE
18 MAKE SURE THAT WE HAVE THE ACCOUNTING PROPERLY
19 DEALT WITH BECAUSE THAT HAS BOTH A DIVERSION AND A
20 FISCAL IMPLICATION FOR THIS BOARD IN ITS
21 OVERSIGHT.

22 FINALLY, I'D LIKE TO SAY I DID HAVE
23 A CONVERSATION AT THE BREAK, AT THE PAPER BREAK,
24 WITH BERNARD CRISTMAN OF THE SIERRA CLUB IN, I
25 THINK, YOLO COUNTY CHAPTER. SO I WANT TO NOTE

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1 THAT FOR EX PARTE PURPOSES.

2 CHAIRMAN PENNINGTON: OKAY. MRS. GOTCH.

3 BOARD MEMBER GOTCH: MR. CHAIR, I WANT TO
4 SAY THAT I SHADOW MR. RELIS' STATEMENTS ABOUT OUR
5 AUTHORITY WITH THIS PERMIT TODAY. AND WHILE I
6 WILL BE SUPPORTING THE PERMIT TODAY, I ALSO SHARE
7 THE CONCERNS THAT WE HEARD REGARDING THE IMPACT ON
8 THE DESERT. AND FRANKLY, I WAS PRETTY MUCH
9 APPALLED WITH THE OFF-ROAD VEHICLE ACTIVITY THAT I
10 SAW APPROACHING THE FACILITY. AND I DON'T FEEL
11 THAT THE USE OF THIS LANDFILL WILL IMPACT WHAT
12 WE'VE -- IMPACT WHAT WE'VE ALREADY IMPACTED IN THE
13 DESERT. THANK YOU.

14 CHAIRMAN PENNINGTON: THANK YOU. ANY
15 FURTHER COMMENTS? IF NOT, I'LL ASK THE SECRETARY
16 TO CALL THE ROLL.

17 BOARD SECRETARY: BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: NO.

19 BOARD SECRETARY: FRAZEE.

20 BOARD MEMBER FRAZEE: AYE.

21 BOARD SECRETARY: GOTCH.

22 BOARD MEMBER GOTCH: AYE.

23 BOARD SECRETARY: JONES.

24 BOARD MEMBER JONES: AYE.

25 BOARD SECRETARY: RELIS.

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1 BOARD MEMBER RELIS: AYE.

2 BOARD SECRETARY: CHAIRMAN PENNINGTON.

3 CHAIRMAN PENNINGTON: AYE. MOTION

4 CARRIES.

5 I THINK IT'S TIME TO BREAK NOW FOR

6 LUNCH. WE WILL BE BACK AT QUARTER TO TWO.

7 (LUNCH RECESS WAS TAKEN.)

8 CHAIRMAN PENNINGTON: OKAY. WE'RE BACK

9 IN SESSION HERE. LET'S SEE. WE'RE GOING TO MOVE

10 NOW TO ITEM 32, BASE-YEAR REPORTING YEAR

11 INACCURACIES AND, LET'S SEE, CONSIDERATION OF

12 MANAGEMENT ACCURACY ISSUES WORKING GROUP'S

13 RECOMMENDATION FOR CORRECTING BASE-YEAR AND/OR

14 REPORTING YEAR INACCURACIES. JUDY FRIEDMAN.

15 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN

16 PENNINGTON AND BOARD MEMBERS. IN JANUARY OF 1996,

17 THE BOARD AUTHORIZED THE FORMATION OF THE

18 MEASUREMENT ACCURACY ISSUES WORKING GROUP TO

19 ADDRESS INACCURACIES IN JURISDICTIONS' SOLID WASTE

20 MEASUREMENTS IN RELATION TO AB 939 GOAL

21 ACHIEVEMENT REQUIREMENTS.

22 THE WORKING GROUP MET THROUGHOUT

23 1996 AND IN EARLY 1997 TO DEVELOP SOLUTION OPTIONS

24 FOR CORRECTING INACCURATE DATA. WE FORMED THIS

25 GROUP AT THE REQUEST OF JURISDICTIONS WHO FELT

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1 THAT THESE WERE SOME OF THE NUMBER ONE ISSUES THAT
2 THEY NEEDED TO HAVE DEALT WITH.

3 AND WITH THAT, I'LL TURN THE
4 PRESENTATION OVER TO SHERRIE SALA-MOORE WITH THE
5 WASTE CHARACTERIZATION ANALYSIS BRANCH.

6 MS. SALA-MOORE: GOOD AFTERNOON, BOARD
7 MEMBERS. TODAY WE ARE PRESENTING THE MEASUREMENT
8 ACCURACY ISSUES WORKING GROUP RECOMMENDATIONS FOR
9 RESOLVING BASE-YEAR AND REPORTING YEAR WASTE
10 MEASUREMENT INACCURACIES. IN RESPONSE TO
11 JURISDICTIONS' CONCERNS WITH INACCURACIES FOUND IN
12 THEIR BASE-YEAR WASTE GENERATION DATA, STAFF
13 COMPILED PERTINENT DATA FROM JURISDICTIONS
14 THROUGHOUT THE STATE.

15 BASED ON THIS INFORMATION, THE LOCAL
16 ASSISTANCE AND PLANNING COMMITTEE DIRECTED STAFF
17 TO FORM A WORKING GROUP TO IDENTIFY AND
18 INVESTIGATE MEASUREMENT ACCURACY PROBLEMS AND TO
19 DEVELOP POTENTIAL SOLUTIONS.

20 THE WORKING GROUP MEMBERS WERE FROM
21 URBAN AND RURAL JURISDICTIONS THROUGHOUT THE
22 STATE, NINE REPRESENTING SOUTHERN CALIFORNIA
23 JURISDICTIONS AND 12 REPRESENTING NORTHERN AND
24 CENTRAL CALIFORNIA JURISDICTIONS, THAT INCLUDED
25 THE BAY AREA, AND THE REMAINING WERE REPRESENTING

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1 THE WASTE MANAGEMENT INDUSTRY.

2 IN ADDITION, A LARGE REVIEW GROUP OF
3 OVER A HUNDRED PEOPLE, INCLUDING THE LEAGUE OF
4 CITIES, SOUTHERN CALIFORNIA ASSOCIATION OF
5 GOVERNMENTS, AND CALIFORNIANS AGAINST WASTE,
6 RECEIVED MEETING MINUTES OF THE WORKING GROUP
7 MEETINGS AND THE DRAFT WORKING GROUP RECOMMENDA-
8 TIONS THAT WERE DISCUSSED BY THE WORKING GROUP AT
9 THEIR TWO FINAL MEETINGS. ONE WAS HELD IN JANUARY
10 IN SOUTHERN CALIFORNIA AND ONE IN FEBRUARY
11 NORTHERN CALIFORNIA SO THAT THE INTERESTED PARTIES
12 HAD A REVIEW AND COMMENT PERIOD AS WELL.

13 FORTY-FIVE OF THE INTERESTED PARTIES
14 DID REPRESENT SOUTHERN CALIFORNIA JURISDICTIONS.
15 STAFF ALSO GAVE LAGTAC PERIODIC UPDATES ON THE
16 PROGRESS OF THE WORKING GROUP AND UPDATES TO
17 VARIOUS INTEREST GROUPS THROUGHOUT 1996.

18 PRIOR TO THE WASTE MANAGEMENT ACT OF
19 1989, ALSO KNOWN AS ASSEMBLY BILL 939, THERE WAS
20 NO COMPREHENSIVE WASTE MEASUREMENT SYSTEM IN
21 PLACE. SO IMPLEMENTING AB 939'S MEASUREMENT
22 SYSTEM WAS SOMEWHAT SIMILAR TO INVENTING THE
23 WHEEL.

24 THE WASTE MEASUREMENT SYSTEM HAS
25 THREE KEY COMPONENTS. THE FIRST COMPONENT IS THE

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1 BASE-YEAR GENERATION TONNAGE QUANTIFIED IN THE
2 SOLID WASTE GENERATION STUDY OF THE SOURCE
3 REDUCTION AND RECYCLING ELEMENT. ANOTHER KEY
4 COMPONENT IS THE REPORTING YEAR DISPOSAL TONNAGE.
5 THE DISPOSAL REPORTING SYSTEM REQUIRES A MINIMUM
6 SURVEY PERIOD OF ONE WEEK PER QUARTER, ALTHOUGH
7 SOME FACILITIES ARE DOING DAILY MONITORING, TO
8 DETERMINE EACH JURISDICTION'S ALLOCATION FOR
9 PERCENTAGE. THIS PERCENTAGE IS THEN MULTIPLIED BY
10 THE DISPOSAL FACILITY'S TOTAL WASTE TONNAGE FOR
11 THAT QUARTER TO DETERMINE THE JURISDICTION'S
12 QUARTERLY TONNAGE ALLOCATION.

13 AND THE FINAL COMPONENT IS THE
14 DISPOSAL REDUCTION COMPARISON. THE GOAL
15 ACHIEVEMENT CALCULATIONS COMPARE THE BASE YEAR
16 WITH THE REPORTING YEAR DATA TO DETERMINE THE
17 PROGRESS BEING MADE IN DISPOSAL REDUCTION.

18 NOW, AS WITH MOST NEWLY IMPLEMENTED
19 SYSTEMS, THERE HAVE BEEN SOME PROBLEMS ENCOUNTERED
20 IN THE WASTE MEASUREMENT SYSTEM BOTH IN THE BASE
21 YEAR AND REPORTING YEAR DATA.

22 THE WORKING GROUP MET THROUGHOUT
23 1996 AND IN EARLY 1997 TO DEVELOP SOLUTION OPTIONS
24 FOR CORRECTING INACCURATE DATA. THE WORKING GROUP
25 IS RECOMMENDING A FLEXIBLE RANGE OF OPTIONS AND

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1 THAT A JURISDICTION BE ALLOWED TO SELECT WHAT THEY
2 BELIEVE TO BE THE MOST COST-EFFECTIVE OPTION OR
3 OPTIONS. AND AS FURTHER SUGGESTIONS ARE PROPOSED,
4 THE LIST OF SOLUTION OPTIONS CAN BE EXPANDED AS
5 NEEDED, SO THIS IS NOT A CLOSE-ENDED PROCESS.

6 THE FIRST OPTION IDENTIFIED AS NO. 1
7 IN THE AGENDA ITEM IS TO FIX THE EXISTING DATA.
8 TO DO SO A JURISDICTION MUST DIAGNOSE ANY DATA
9 PROBLEMS AND QUANTIFY CORRECTIONS. AND CORRECTING
10 THE BASE-YEAR DATA, ESPECIALLY THE DISPOSAL
11 REPORTING NUMBERS, HAS BEEN THE PRIMARY FOCUS OF
12 THIS PROCESS.

13 ATTACHMENT A PROVIDES A PROPOSED
14 LIST OF ACCEPTABLE AND UNACCEPTABLE REVISION
15 METHODS WITH STAFF'S SUGGESTED CRITERIA. THIS
16 LIST WAS DEVELOPED BASED ON THE PROPOSED REVISIONS
17 SUBMITTED BY JURISDICTIONS IN THEIR 1995 ANNUAL
18 REPORTS AND IN RESPONSE TO THE WORKING GROUP
19 MEMBERS' REQUEST. ADDITIONAL REVISION METHODS
20 WILL NEED TO BE EVALUATED AS THEY'RE RECEIVED BY
21 STAFF.

22 SOLUTION NO. 2, FORMING A REGIONAL
23 AGENCY, IS A SOLUTION OPTION ALREADY AVAILABLE TO
24 JURISDICTIONS. A REGIONAL AGENCY CAN REPORT TO
25 THE BOARD AS A SINGLE ENTITY; THUS, ALLOCATION

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1 ERRORS COULD BE SIGNIFICANTLY REDUCED FOR
2 JURISDICTIONS REPORTING AS A REGIONAL AGENCY.

3 SEVERAL JURISDICTIONS HAVE ALREADY
4 REQUESTED OPTION NO. 3, AND THAT IS TO PRESENT A
5 GENERATION BASED ANALYSIS IN THEIR ANNUAL REPORT.
6 NOW THAT THE DISPOSAL REPORTING SYSTEM IS IN PLACE
7 TO TRACK THE DISPOSAL TONNAGES, ONLY THE DIVERSION
8 AMOUNTS WOULD NEED TO BE QUANTIFIED. FOR THOSE
9 JURISDICTIONS ALREADY TRACKING A LARGE DIVERSION
10 PROJECT EACH YEAR, FOR EXAMPLE, A CITY WITH A
11 MATERIALS RECOVERY SYSTEM AND CURBSIDE COMPOSTING
12 PROGRAM, THIS OPTION WOULD ALLOW THEM TO SUBMIT
13 THIS DATA EACH YEAR; AND WITH IMPLEMENTATION OF
14 THIS OPTION, A BASE YEAR WOULD NO LONGER BE NEEDED
15 FOR THOSE JURISDICTIONS AND COULD PROVIDE A
16 NO-COST SOLUTION.

17 OPTION NO. 4 WOULD ALLOW A
18 JURISDICTION TO CONDUCT A ONE-TIME NEW DIVERSION
19 STUDY TO QUANTIFY A NEW, MORE ACCURATE, MORE
20 CURRENT BASE-YEAR GENERATION, SUCH AS USING 1997
21 DATA. SEVERAL JURISDICTIONS HAVE SUBMITTED THIS
22 TYPE OF DATA IN THEIR ANNUAL REPORTS USING 1995
23 DATA, AND OTHER JURISDICTIONS HAVE ALSO
EXPRESSED
24 AN INTEREST IN USING THIS OPTION. THE PRIOR

25 SOLUTION OPTIONS ADDRESSED INACCURATE BASE-
YEAR

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1 DATA.

2 OPTION NO. 5 PRESENTS SOLUTION

3 OPTION FOR INACCURACIES IN THE REPORTING YEAR

4 DATA. SIMILAR TO OPTION NO. 1 FOR THE BASE YEAR,

5 A JURISDICTION WOULD NEED TO DIAGNOSE DATA

6 PROBLEMS AND QUANTIFY CORRECTIONS FOR THE

7 REPORTING YEAR DATA. ATTACHMENT B PROVIDES A

8 PROPOSED LIST OF ACCEPTABLE AND UNACCEPTABLE

9 REVISION METHODS WITH STAFF'S SUGGESTED CRITERIA.

10 THIS LIST WAS ALSO DEVELOPED BASED ON THE PROPOSED

11 REVISIONS SUBMITTED BY JURISDICTIONS IN THEIR 1995

12 ANNUAL REPORTS. ADDITIONAL REVISION METHODS WILL

13 NEED TO BE EVALUATED AS THEY ARE RECEIVED BY

14 STAFF.

15 NOW, THESE RECOMMENDED OPTIONS ARE

16 THE RESULT OF SEVERAL MEETINGS WITH THE WORKING

17 GROUP. THE LAST MEETINGS WERE HELD IN LATE

18 JANUARY AND EARLY FEBRUARY. THE MEMBERS OF THE

19 WORKING GROUP AND REVIEW GROUP WERE REQUESTED TO

20 SUBMIT COMMENTS ON THE RECOMMENDATIONS BEFORE WE

21 PRESENTED THESE FINAL RECOMMENDATIONS TO THE

LOCAL

22 ASSISTANCE AND PLANNING COMMITTEE AND THE BOARD.

23 IN ADDITION, TO ASSIST

JURISDICTIONS

24 IN QUANTIFYING MORE ACCURATE BASE-YEAR

GENERATION

25 TONNAGE AND MINIMIZING THE ASSOCIATED COSTS, THE

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1 WORKING GROUP ALSO RECOMMENDS THE DEVELOPMENT OF
2 SOME ADDITIONAL ASSISTANCE TOOLS. A DEFAULT
3 BASE-YEAR COMPUTER MODELING SYSTEM WOULD UTILIZE
4 DATA ALREADY BEING COLLECTED UNDER OTHER BOARD
5 PROJECTS, SUCH AS THE WASTE CHARACTERIZATION
6 DATABASE, TO GENERATE AN ESTIMATED BASE-YEAR
7 GENERATION TONNAGE. THIS MODEL WILL REQUIRE
8 FEASIBILITY TESTING, BUT COULD POTENTIALLY PROVIDE
9 A NO-COST SOLUTION FOR SOME JURISDICTIONS WITH
10 BASE-YEAR INACCURACIES.

11 A DIVERSION STUDY ASSISTANCE GUIDE
12 WOULD BE A COMPILATION OF FORMS, GENERAL
13 INSTRUCTIONS, AND OTHER HELPFUL INFORMATION BASED
14 ON JURISDICTIONS' EXPERIENCES TO ASSIST OTHER
15 JURISDICTIONS THAT WOULD LIKE TO CONDUCT DIVERSION
16 STUDIES IN THE FUTURE. AND WE HAVE RECEIVED
17 REQUESTS FROM JURISDICTIONS FOR THIS TYPE OF
18 INFORMATION.

19 THE WORKING GROUP ALSO RECOMMENDS
20 THE BOARD ENDORSE THE FOLLOWING REGULATORY AND
21 STATUTORY REVISIONS. THE CURRENT DISPOSAL
22 REPORTING SYSTEM REGULATIONS SHOULD BE REVISED TO
23 INCLUDE BIOMASS CONVERSION FACILITIES, WHICH IS
24 NOW ALLOWED DUE TO THE PASSAGE OF ASSEMBLY BILL
25 66.

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1 THE CURRENT DISPOSAL REPORTING
2 REGULATIONS SHOULD BE REVISED -- EXCUSE ME -- THE
3 WORKING GROUP WOULD ALSO LIKE TO SEE A STATUTORY
4 REVISION ENDORSED BY THE BOARD THAT WOULD ADD
5 ENFORCEMENT PROVISIONS TO THE DISPOSAL REPORTING
6 SYSTEM. THIS WOULD ASSIST COUNTIES IN OBTAINING
7 MORE ACCURATE, CONSISTENT, AND TIMELY DISPOSAL
8 REPORTING DATA TO FORWARD TO THE BOARD.

9 THE AGENDA ITEM INCLUDES OTHER
10 COMMENTS DISCUSSED BY MEMBERS OF THE WORKING
11 GROUP, BUT THESE ITEMS WERE NOT ENDORSED BY THE
12 MAJORITY. ADDITIONALLY, STAFF ONLY CONCURRED
13 PARTIALLY OR NOT AT ALL WITH THESE SUGGESTIONS.
14 THESE COMMENTS RANGED FROM AFFIRMATIONS OF THE
15 PROCESS TO VARIATIONS OF THE PROPOSED OPTIONS AND
16 ARE INCLUDED IN THE AGENDA ITEM.

17 TO CONCLUDE, THE OPTIONS BEFORE THE
18 BOARD ARE, ONE, TO APPROVE STAFF'S RECOMMENDATION
19 AS PROPOSED TO APPROVE THE RECOMMENDED SOLUTION
20 OPTIONS, DEVELOPMENT OF ADDITIONAL ASSISTANCE
21 TOOLS, AND ENDORSEMENT OF REGULATORY/STATUTORY
22 REVISIONS; OR, TWO, DIRECT STAFF TO REVISE THE
23 RECOMMENDATIONS. THIS CONCLUDES STAFF'S
24 PRESENTATION, AND I'D BE HAPPY TO ANSWER ANY
25 QUESTIONS.

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1 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
2 THE STAFF?

3 BOARD MEMBER CHESBRO: I DON'T HAVE
4 QUESTIONS. I JUST HAVE A FEW COMMENTS FROM THE
5 STANDPOINT OF THE COMMITTEE. FIRST OF ALL,
6 ACHIEVING THIS ABILITY TO GET PAST THE BASE-YEAR
7 DIFFICULTIES AND MOVING ON TO PROGRAM IMPLEMENTA-
8 TION AND GETTING TO 50 PERCENT IS A CRITICAL STEP.
9 AND STAFF HAS GONE THROUGH AN EXHAUSTIVE PROCESS
10 OF WORKING WITH A LARGE WORKING GROUP MADE UP OF
11 JURISDICTIONS WHO HAVE PROBLEMS WITH BASE-YEAR
12 NUMBERS. IN FACT, I UNDERSTAND THAT THIS WAS A
13 MAJORITY OF THE JURISDICTIONS THAT HAVE PROBLEMS
14 WITH BASE-YEAR NUMBERS THAT WERE INVOLVED IN THE
15 PROCESS.

16 MS. SALA-MOORE: NOT THE MAJORITY OF
17 THEM, BUT THAT'S HOW THEY INITIALLY BECAME PART OF
18 THE WORKING GROUP.

19 BOARD MEMBER CHESBRO: AND SO THE RESULT
20 OF THIS PROCESS IS THAT A LIST OF OPTIONS HAS BEEN
21 DEVELOPED THAT HAS WIDESPREAD SUPPORT AMONGST THE
22 MEMBERS OF THE WORKING GROUP AND THE COMMENTERS
23 WHO PARTICIPATED IN THE PROCESS. IT'S NOT
24 NECESSARILY A FINISHED OR COMPLETE WORK.
25 THERE ARE JURISDICTIONS OUT THERE

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1 WHO STILL HAVE CONCERNS, AND I THINK WE'RE GOING
2 TO HEAR FROM AT LEAST ONE TODAY, AND WE HAVE
3 LETTERS IN THE PACKET FROM JURISDICTIONS WHO HAVE
4 EXPRESSED CONCERN.

5 AND THE RESPONSE OF THE COMMITTEE,
6 AS A RESULT OF THE COMMITTEE DISCUSSION, WAS THIS
7 IS NOT A FINAL LIST. THIS IS -- BUT WE NEED TO
8 GET WHAT HAS BEEN ARRIVED AT ADOPTED IN ORDER TO
9 ALLOW THOSE JURISDICTIONS TO PROCEED TO GET THEIR
10 NUMBERS SQUARED AWAY AS WELL AS POSSIBLE AND THEN
11 MOVE ON WITH THE OTHER PROCESSES NECESSARY TO GET
12 TO 50 PERCENT.

13 AND OUR RESPONSE TO THE CONCERNS
14 ABOUT NEEDING ADDITIONAL OPTIONS WAS GREAT. STAFF
15 CONTINUE TO WORK WITH THOSE JURISDICTIONS AND THAT
16 THE BOARD -- THE COMMITTEE WAS AND I HOPE THE
17 BOARD WILL BE VERY MUCH OPEN TO ADDITIONAL OPTIONS
18 WHICH COULD BE ADDED TO THE LIST.

19 THE OTHER THING WAS THAT SEVERAL OF
20 THE LETTERS THAT THE BOARD RECEIVED SEEMED TO HAVE
21 THE IMPRESSION THAT THIS WAS SOME KIND OF A
22 REGULATORY REQUIREMENT, THAT THEY WOULD BE FORCED
23 TO USE ONE OF THESE OPTIONS. AND I'D JUST LIKE TO
24 ASK -- I KNOW THE ANSWER TO THAT QUESTION AND
25 BOARD MEMBERS MAY TOO, BUT FOR THE RECORD, I'D

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1 LIKE TO HAVE STAFF TO CLARIFY THAT THAT, IN FACT,
2 IS NOT THE CASE.

3 MS. SALA-MOORE: YES. WHAT WE WANTED TO
4 DO WAS ALLOW THEM TO MAKE THE OPTION IN THE FIRST
5 PLACE. THEY'RE THE ONES WHO ARE GOING TO KNOW
6 WHETHER THEY HAVE PROBLEMS WITH THEIR DATA. SO
7 THEY'LL BE ASSESSING THEIR DATA THEMSELVES
8 INITIALLY TO DETERMINE WHETHER THEY HAVE
PROBLEMS.

9 AND THIS GIVES THEM THE OPPORTUNITY TO SELECT
10 SOMETHING ALREADY IN EXISTENCE OR TO LOOK FOR
11 ALTERNATIVE SOLUTIONS.

12 BOARD MEMBER CHESBRO: SO THIS IS PART
OF

13 ASSISTANCE APPROACH TO THINGS, NOT A REGULATORY
14 PROGRAM. AND THIS IS NOT SOMETHING -- I MEAN
IT'S

15 ASSISTING THE JURISDICTIONS IN DEALING WITH THE
16 REGULATORY PROCESS, BUT IT'S NOT AN IMPOSITION OR
17 A REQUIREMENT. IT'S CREATING ADDITIONAL OPTIONS
18 FOR LOCAL JURISDICTIONS IN DEALING WITH THE
19 STATUTORY AND REGULATORY REQUIREMENTS.

20 MS. SALA-MOORE: YES, IT'S DEFINITELY AN
21 ASSISTANCE TOOL, AND IT'S IN RESPONSE TO THEIR
22 REQUESTS.

23 CHAIRMAN PENNINGTON: ANY QUESTIONS OF

24 STAFF? IF NOT, JACK MICHAEL.
25 MR. MICHAEL: THANK YOU, MR. CHAIRMAN
AND

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1 MEMBERS OF THE BOARD. I'M JACK MICHAEL
2 REPRESENTING LOS ANGELES COUNTY. I'M REALLY KIND
3 OF SORRY TO SAY THAT AFTER ALL THESE YEARS, WE'VE
4 NOT BEEN ABLE TO REACH SOME RESOLUTION WITH STAFF
5 ON THIS MATTER, EVEN THOUGH WE'VE TRIED. WE
6 SIMPLY DON'T HAVE THE SAME OPINION OF -- AND
7 PARTICIPATED IN THE WORKING GROUP, BUT DON'T HAVE
8 THE SAME OPINION OF THE CONCLUSIONS THAT THE
STAFF
9 HAS PRESENTED.

10 AND I DON'T WANT TO GET INTO
ARGUING
11 THOSE ISSUES, BUT WE DID PROVIDE A LETTER TO THE
12 STAFF WITH COPIES TO THE BOARD DATED MARCH 4TH
13 THAT CLEARLY POINTED OUT WHERE WE HAD ISSUES WITH
14 WHERE THE WORKING GROUP WAS GOING AND WHAT
15 CONCLUSIONS MIGHT BE REACHED AND, THROUGH THAT
16 LETTER, TRIED TO FOCUS THE STAFF ON PURSUING SOME
17 OF THOSE CONCERNS.

18 NOW, IT WAS MENTIONED TODAY BY
STAFF
19 THAT -- THAT OTHER ISSUES RAISED, WHICH WE
20 HAPPENED TO RAISE IN THIS LETTER, WERE NOT AGREED
21 TO BY THE WORKING GROUP. THE WORKING GROUP'S
22 MEETING, AT LEAST IN SOUTHERN CALIFORNIA, WAS, I
23 BELIEVE, ON THE 22D OF JANUARY, AND OUR LETTER

WAS

24 DATED MARCH 4TH, SO I DON'T BELIEVE THE WORKING
25 GROUP HAD THE ABILITY TO DISCUSS ALL OF OUR

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1 CONCERNS.

2 MY REAL CONCERN IS TWOFOLD. ONE,
WE

3 POINTED OUT EARLY ON, AS WE WERE ABLE TO GET
4 INFORMATION FROM OUR 88 -- 89 JURISDICTIONS --
5 I'LL SAY 88 BECAUSE ONE OF THOSE JURISDICTIONS IS
6 UNINCORPORATED COUNTY AREA -- AS THEIR PLANS CAME
7 IN, AND, AGAIN, I'LL REMIND EVERYBODY THAT EACH
8 CITY AND EACH COUNTY IS RESPONSIBLE FOR

DEVELOPING

9 THEIR PLANS, IDENTIFYING TO THE COUNTY THEIR
10 DISPOSAL NEEDS, AND HOW MUCH DISPOSAL THEY HAVE.

11 AS THOSE PLANS CAME IN, WE SIMPLY,
12 THROUGH AN ARITHMETIC PROCESS, ADDED UP WHAT EACH
13 PLAN SAID WAS BEING DISPOSED IN THEIR BASE YEAR.
14 WHEN WE FINALLY GOT, AT LEAST, MOST OF THE PLANS
15 IN AND ADDED THAT NUMBER UP, THAT DISPOSAL NUMBER
16 WAS FIVE MILLION TONS OF WASTE PER YEAR LESS THAN
17 WHAT OUR RECORDS INDICATED WERE DISPOSED IN THE
18 BASE YEAR COUNTYWIDE, RECORDS WHICH TRACKED

ALMOST

19 PRECISELY TO BOARD OF EQUALIZATION NUMBERS AND
THE

20 NUMBERS THAT THE WASTE BOARD USED, NOT ONLY FOR
21 DISPOSAL TONNAGE DISPOSED, BUT FOR THE REVENUES
22 THAT YOU RECEIVED. CLEARLY A PROBLEM.

23

WE BASICALLY HAD ALMOST A 50-

PERCENT

24

ERROR FACTOR ON THIS DISPOSAL NUMBER. STATEWIDE

25

40 SOME MILLION TONS BEING DISPOSED, AND WE HAD

AN

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1 ERROR OF FIVE MILLION. THAT'S RATHER LARGE AND I
2 BELIEVE SIGNIFICANT ERROR.

3 WE RAISED THAT ISSUE WITH THE STAFF
4 AND WITH BOARD MEMBERS HAVE RAISED IT THROUGHOUT
5 AS TO HOW WE'RE GOING TO DEAL WITH THAT.

6 UNDERSTAND, JURISDICTIONS THROUGHOUT THE STATE,
7 AND I'VE BEEN THE FIRST AND FOREMOST ADVOCATE TO
8 SAY THAT THERE ISN'T ONE SIZE FITS ALL THROUGHOUT
9 THE STATE. OTHERS HAD OTHER PROBLEMS. AND I
10 APPRECIATE THE STAFF DEALING WITH THE DIVERSITY OF
11 PROBLEMS THAT EXIST. BUT IN TERMS OF WHERE FOCUS
12 OUGHT TO BE, I FEEL THAT THERE NEEDS TO BE AND
13 NEEDED TO BE SOME PARTICULAR FOCUS ON THIS HUGE
14 DISCREPANCY IN OUR COUNTY.

15 WHY WAS THERE A DISCREPANCY? I
16 DON'T KNOW. CERTAIN COUNTIES IN THE STATE DEALT
17 WITH INDIVIDUAL JURISDICTIONS AND TRIED TO COME UP
18 WITH THEIR NUMBERS IN THE FIRST PLACE. WE TOOK
19 THE APPROACH, RIGHTLY OR WRONGLY, THAT THE STATUTE
20 SAID EACH JURISDICTION IS RESPONSIBLE FOR
21 DEVELOPING THEIR OWN PLANS. WE'RE ACCUSED ENOUGH
22 OF TRYING, THE COUNTY THAT IS, TRYING TO INFLUENCE
23 ANYBODY AND EVERYBODY, PARTICULARLY IN OUR AREA,
24 AND WE LET EACH JURISDICTION DEVELOP THEIR OWN
25 NUMBERS.

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1 WHY THEY DEVELOPED THE NUMBERS THEY
2 DID, WHOLE LOT OF REASONS. IT'S DIFFICULT.
3 WESLEY KNOWS IN A RURAL AREA IT'S DIFFICULT TO DO
4 THINGS ON A JURISDICTION-BY-JURISDICTION BASIS
5 BECAUSE OF SIZE. THERE'S A SIMILAR PROBLEM,
6 DIFFERENT SIZE PROBLEM, IN AN URBAN AREA WHERE YOU
7 DON'T KNOW WHERE YOU ARE AT ANY TIME NECESSARILY
8 DRIVING DOWN THE STREET AND NEITHER DOES THE TRASH
9 COLLECTOR KNOW EXACTLY WHOSE WASTE HE'S PICKING UP
10 AND OUT OF WHAT COMMUNITY. SO THERE'S THIS HUGE
11 PROBLEM.

12 WELL, OUR POSITION AND THE POSITION
13 OF MANY THROUGH THE YEARS IS THAT IT'S NEARLY
14 IMPOSSIBLE TO MEASURE DIVERSION ACCURATELY. AND
15 IT'S BEEN A DEBATE IN THE LEGISLATURE. IT'S BEEN
16 A DEBATE HERE. BEEN A DEBATE -- I STARTED THE
17 DEBATE IN 1986. THE LEGISLATURE, AT LEAST TO SOME
18 EXTENT, AND MANY OTHERS, INCLUDING, I THOUGHT,
19 WASTE BOARD STAFF, CONCLUDED THAT, YES, IT IS
20 ALMOST IMPOSSIBLE TO ACCURATELY MEASURE DIVERSION.
21 SO WE'LL GO TO A DISPOSAL BASED MEASUREMENT.
22 UNFORTUNATELY, IT WAS A COMPROMISE AND IT'S
23 DISPOSAL BASED MEASUREMENT BASED ON A GENERATION
24 BASE.

25 I'M NOT SURE THE TWO WILL WORK,
AND

1 MAYBE THIS IS POINTING OUT THAT IT MAY NOT. BUT
2 MORE AND MORE I'M HEARING NOW THAT WE NEED TO
3 MEASURE DIVERSION. WE NEED TO ACCOMPLISH OUR
4 PROGRAMS. WE NEED TO MEASURE DIVERSION. AND I
5 THOUGHT THAT WE HAD REACHED A POINT WHERE WE HAD
6 DETERMINED THAT IT'S VERY DIFFICULT TO ACCURATELY
7 MEASURE DIVERSION. IN FACT, I WAS HOPING WE'D
8 GOTTEN TO THE POINT THAT IT'S REALLY VERY
9 DIFFICULT TO MEASURE IN THIS ISSUE THAT WE'RE
10 DEALING WITH. WELL, THE WORKING GROUP CAME UP
11 WITH SOLUTIONS AS YOU SAW HERE.

12 AND I'LL POINT OUT THAT THROUGH ALL
13 OF THE EFFORT IN THE LEGISLATURE OF SAYING THAT
14 YOU CAN'T REALLY ACCURATELY MEASURE DIVERSION,
15 THERE WAS ALSO PROVISIONS PUT IN THE CODE, IN THE
16 STATUTE THAT BECAUSE OF THIS DIFFICULTY, PRC
17 41821(C) SAYS THAT WHEN REQUESTING ADDITIONAL
18 INFORMATION REGARDING THE ANNUAL REPORT, THE
19 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD,
20 CIWMB, SHALL NOT REQUIRE ANY JURISDICTION TO
21 PREPARE A SOLID WASTE GENERATION STUDY OR OTHER
22 SIGNIFICANT ANALYSIS.

23 I'LL ADMIT BY PROVIDING OPTIONS, A
24 WHOLE RANGE OF OPTIONS THE JURISDICTIONS CAN
25 CHOOSE AMONG, THE BOARD ISN'T REQUIRING ANYBODY
TO

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1 DO ANYTHING. BUT I WILL REFER TO THE STAFF PAPER
2 THAT PRESENTS FIVE OPTIONS, PRESENTED HERE ON THE
3 SCREEN. ONE WAS TO CORRECT EXISTING BASE-YEAR
4 DATA. WE COULDN'T DO IT RIGHT TO FIND OUT '90
5 NUMBERS IN '91. DON'T KNOW THAT WE CAN FIND ANY
6 BETTER NUMBERS IN '97 FOR 1990, BUT ONE OF THE
7 DISADVANTAGES POINTED OUT IN THIS BOARD PAPER HERE
8 IS INVESTIGATION CAN BE VERY TIME AND COST
9 INTENSIVE, AND IN SOME INSTANCES MORE ACCURATE
10 DATA MAY NOT BE AVAILABLE FOR CORRECTION. THAT'S
11 THE FIRST SOLUTION.

12 SECOND SOLUTION IS FORM A REGIONAL
13 AGENCY. MR. CHESBRO'S RECOGNIZED THAT IN RURAL
14 AREAS IT MAY BE POLITICALLY DIFFICULT TO FORM
15 REGIONAL AGENCIES. AND I SUGGESTED YESTERDAY
THAT

16 THOUGH WE DON'T REALLY NORMALLY HAVE POLITICAL
17 PROBLEMS IN THE URBAN, IT COULD BE JUST AS
18 DIFFICULT THERE. AND ANYWAY, I DON'T BELIEVE
THAT

19 FORMING A REGIONAL AGENCY ADDRESSES SOLVING A
20 BASE-YEAR PROBLEM TO SEE WHETHER 1995 MANDATES
21 WERE MET.

22 THIRD OPTION IS REPLACE BASE-YEAR
23 DATA BY PRESENTING GENERATION BASED DATA
ANNUALLY.

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24 UNDERLINE, GENERATION BASED DATA ANNUALLY.

WELL,

25 IT'S BEST SUITED TO MEASURING DIVERSION WHERE
YOU

1 HAVE LARGE VOLUMES OF DIVERSION TO MEASURE. THE
2 DISADVANTAGE IN THE STAFF PAPER, SINCE ALL
3 DIVERSION PROGRAMS ARE NOT QUANTIFIED, DIVERSION
4 RATE COULD BE UNDERSTATED, WOULD POTENTIALLY BE
5 VERY COSTLY.

6 SO FOURTH OPTION IS REPLACE
7 BASE-YEAR DATA BY CREATING A NEW BASE YEAR AND DO
8 THAT BY THE REPORTING DISPOSAL SYSTEM AND A NEW
9 DIVERSION STUDY. DIVERSION STUDIES CAN BE VERY
10 TIME AND COST INTENSIVE. IT MAY BE MOST
11 COST-EFFECTIVE TO QUANTIFY ONLY THE LARGEST
12 DIVERSION TONNAGE, ETC.

13 THE FIFTH OPTION, REVISE REPORTING
14 YEAR DATA. MUST BE ABLE TO DIAGNOSE THE PROBLEM,
15 THEN QUANTIFY A CORRECTION USING A BOARD APPROVED
16 METHODOLOGY. AGAIN, DISADVANTAGE, INVESTIGATION
17 CAN BE TIME AND COST INTENSIVE. ADDITIONALLY, THE
18 MAJORITY OF THE DISPOSAL REPORTING ISSUES CAN BE
19 BEST RESOLVED IN THE LOCAL LEVEL, ETC., ETC.

20 IN ALL CASES THE OPTIONS PROVIDED TO
21 LOCAL GOVERNMENT, EVERYBODY HAS CONCLUDED, CAN BE
22 TIME INTENSIVE AND COST INTENSIVE. BUT, NO,
23 THERE'S NO REQUIREMENT IMPOSED BY THE BOARD
24 BECAUSE LOCAL GOVERNMENTS ARE GIVEN THE OPTION
TO
25 CHOOSE THEIR OWN FATE.

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1 I AGREE WITH MR. CHESBRO, THAT WE
2 NEED TO GET BEYOND COUNTING. WE NEED TO GET TO
3 THE CONTINUATION AND INTENSIFICATION OF IMPLEMENT-
4 ING PROGRAMS. MY SUGGESTION AT THIS POINT IS THAT
5 I BELIEVE THIS MATTER NEEDS FURTHER DISCUSSION. I
6 BELIEVE THAT THE WHOLE DIRECTION IN INTENSIFYING
7 OUR EFFORTS TO TRY TO COUNT DIVERSION IS COUNTER
8 TO LEGISLATIVE DIRECTION IN THE LAST SEVERAL
9 YEARS.

10 I CAN UNDERSTAND THAT CERTAIN
11 JURISDICTIONS WANT SOME DEGREE OF CERTAINTY, AND I
12 CAN UNDERSTAND THAT MAYBE THERE ARE MANY
13 JURISDICTIONS THAT CAN BE SATISFIED WITH THIS, BUT
14 I WILL STILL SUGGEST THAT ONE OF THE BIGGEST
15 PROBLEMS IN TERMS OF THE AMOUNT OF TONNAGE THAT IS
16 IN DISPUTE HAS NOT BEEN RESOLVED. SO SHORT OF
17 SETTING THIS ASIDE FOR A MONTH FOR FURTHER
18 DISCUSSION, I WOULD SUGGEST, THEN, THAT THE
19 ATTACHMENT A OR B NOT BE PART OF THE BOARD'S
20 ACTION.

21 AND I SAY THAT BECAUSE, AS I READ
22 HERE TO YOU A MOMENT AGO FROM THIS BOARD PAPER,
23 THAT THE SOLUTIONS THAT LOCAL GOVERNMENTS ARE
24 GIVEN THE OPTION TO CHOOSE ARE TO USE A BOARD
25 APPROVED METHODOLOGY. AND MR. CHESBRO HAS

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1 INDICATED THAT IT WAS INDICATED AT COMMITTEE THAT
2 WE HAD MAXIMUM FLEXIBILITY IN DEALING WITH THIS
3 ISSUE, AND ANY NEW PROPOSALS WOULD BE CONSIDERED.
4 AND I RECOGNIZE THAT, AND THAT'S BEEN THE HISTORY
5 OF THIS BOARD AND I APPRECIATE THAT. AND IN
6 KEEPING WITH THAT, THEN IF THIS CAN'T BE PUT ASIDE
7 FOR A MONTH, THEN THESE TWO ATTACHMENTS FOR THE
8 MOMENT SHOULD NOT BE BOARD APPROVED BECAUSE I
9 WOULD INTERPRET ANY APPROVAL OF THESE ATTACHMENTS
10 TO BE A BOARD APPROVED METHODOLOGY BECAUSE IF YOU
11 GO TO THE ATTACHMENTS AND READ THEM IN DETAIL,
12 IT'S INDICATED WHICH ARE ACCEPTABLE WHICH ARE
13 NONACCEPTABLE.

14 SO WE WANT TO MAINTAIN FLEXIBILITY.
15 EITHER GIVE US SOME MORE TIME TO TRY TO RESOLVE A
16 VERY DIFFICULT ISSUE OR AT A MINIMUM EXTRACT FROM
17 BOARD APPROVAL ATTACHMENTS A AND B OF THIS PAPER.
18 BE HAPPY TO ANSWER ANY QUESTIONS.

19 CHAIRMAN PENNINGTON: QUESTIONS FOR MR.
20 MICHAEL? THANK YOU. NEXT WE HAVE MICHAEL HULS,
21 IS IT.

22 MR. HULS: GOOD AFTERNOON. MY NAME AGAIN
23 IS MICHAEL HULS. MY FIRM, J. MICHAEL HULS REA,
24 OPERATES PRIMARILY IN THE SOUTHERN CALIFORNIA
25 AREA.

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1 I HAVE BEEN ASKED BY MANY CITIES IN
2 SOUTHERN CALIFORNIA AREA TO PRESENT SPECIFIC
3 COMMENTS TO YOU, BUT LET ME PLEASE STATE IT RIGHT
4 AT THE BEGINNING. I'M NOT HERE TO TRASH THE
5 WORKING GROUP'S WORK AND STAFF. I THINK EVERYBODY
6 DID A VERY DILIGENT EFFORT, AND I'M NOT HERE TO
7 PROPOSE SCRAPPING THE DISPOSAL BASED SYSTEM FOR
8 MEASURING COMPLIANCE BECAUSE I UNDERSTAND THE
9 EXTREME DIFFICULTIES IN TRYING TO COME UP WITH A
10 SYSTEM FOR MEASURING HOW WE'RE DOING WITH RESPECT
11 TO DIVERSION AND LOOKING AHEAD FOR OUR DISPOSAL
12 CAPACITY.

13 WHAT I AM HERE, THOUGH, IS TO URGE,
14 ON BEHALF OF MANY CITIES, TO URGE THE BOARD TO
15 REVISE THE RECOMMENDATIONS. AND IN PARTICULAR,
16 THE CITIES ARE PARTICULARLY CONCERNED THAT THE
17 OPTIONS DO NOT RECOGNIZE THE GOOD FAITH EFFORT
18 THAT'S ALREADY BEEN UNDERTAKEN IN CORRECTING A LOT
19 OF THE SOLID WASTE DATA. THIS IS BOTH IN THE BASE
20 YEAR AS WELL AS IN THE REPORTING YEAR.

21 ANOTHER CONCERN IS THAT THE WORKING
22 GROUP HAS ONLY CONSIDERED TECHNICAL SOLUTIONS THAT
23 MORE THAN LIKELY REQUIRE EXPENSIVE CONSULTING
24 ASSISTANCE TO IMPLEMENT SINCE FEW OF THE JURISDIC-
25 TIONS, ESPECIALLY IN THE LIGHT OF OUR PROP 218

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1 ATMOSPHERE, HAVE THE QUALIFIED TECHNICIANS AND THE
2 RESOURCES TO GENERATE THE LEVEL OF INFORMATION
3 THAT WOULD BE DEEMED ADEQUATE BY BOARD STAFF.

4 THE ONLY APPARENT OPTION REALLY THAT
5 APPEARS TO REDUCE THE WORKLOAD, WHICH IS TO DO
6 NOTHING, IS NOT CONSIDERED ACCEPTABLE BECAUSE IT
7 LEAVES A BIG GAP IN TERMS OF WHERE THE CITIES ARE.
8 IF THEY'RE AT A MINUS 300 PERCENT, WHICH SOME
9 CITIES IN LOS ANGELES COUNTY ARE, THEY'RE REALLY
10 AT A LOSS AS TO WHAT PROGRAMS SHOULD THEY
11 IMPLEMENT. AND THEY'RE AT THE POINT WHERE THEY'RE
12 READY TO THROW THEIR HANDS UP AND SAY FORGET IT.

13 THE CITIES HAVE MADE A GOOD FAITH
14 EFFORT IN THE 1995 ANNUAL REPORTS TO ADDRESS
15 SIGNIFICANT BASE-YEAR AND REPORTING YEAR
16 INACCURACIES. HOWEVER, THE READING OF THE
17 SUPPORTING DOCUMENTATION TO THE RECOMMENDATIONS
18 INDICATES THAT THE BOARD STAFF OR THE WORKING
19 GROUP REJECT MANY OF THE ARGUMENTS AS INADEQUATE.
20 THAT IS A POSITION THAT CITIES AND MYSELF DISAGREE
21 STRONGLY WITH.

22 INSTEAD, IT SHOULD REALLY BE THAT
23 ANY REASONABLE ARGUMENT, AND THIS IS FOR THE 1995
24 COMPLIANCE YEAR, ANY REASONABLE ARGUMENT MADE TO
25 EXPLAIN DISCREPANCIES AND RESOLVING INACCURACIES

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1 SHOULD BE ACCEPTED FOR THAT 1995 COMPLIANCE YEAR.
2 AND THIS IS, OF COURSE, WITHIN THE CONTEXT THAT
3 THERE IS SOME TYPE OF SUPPORTING DOCUMENTATION.
4 WHEN I SAY SUPPORTING DOCUMENTATION, FOR EXAMPLE,
5 MR. MICHAEL INDICATED THAT DATA COMES BACK NOW IN
6 1995, THE FIRST YEAR THAT WE'VE ACCURATELY
7 ASSESSED HOW MUCH TRASH WAS ACTUALLY DISPOSED,

AND

8 WE HAVE A FAIRLY GOOD HANDLE COMPARED TO THE BASE
9 YEAR. THAT'S SOMETHING THAT INDICATES THAT THERE
10 WAS UNDERREPORTING BY ABOUT 40 TO 50 PERCENT.
11 THAT IS SUPPORTING DOCUMENTATION. AND THIS WOULD
12 NOT ADVERSELY AFFECT STATEWIDE DIVERSION AND
13 DISPOSAL DATA IF THIS TYPE OF APPROACH WAS TAKEN.

14 AS THE BOARD STAFF HAS INDICATED IN
15 OTHER REPORTS, THAT THE PROPOSED CHANGES BY THE
16 CITIES IN THE ANNUAL REPORTS OF 1995 INDICATED
17 THAT PROPOSED CHANGES BY CITIES WOULD ONLY CHANGE
18 THE BOTTOM LINE BY ABOUT 5 PERCENT FOR THE
19 BASE-YEAR CHANGES AND ABOUT 10 PERCENT FOR THE
20 REPORTING YEAR CHANGES.

21 NOW, THERE'S OTHER REASON AS WELL

TO

22 CONSIDER AND TO SEND THIS THING BACK FOR FURTHER
23 DEVELOPMENT. FIRST OF ALL, THE COMPLIANCE

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24 MECHANISM HAS CHANGED FROM A DISPOSAL -- EXCUSE
25 ME -- FROM A DIVERSION TO DISPOSAL REPORTING

1 SYSTEM. THERE ARE A LOT OF THINGS THAT WERE DONE
2 IN THAT INITIAL STUDY WHICH ARE NO LONGER VALID
3 AND SHOULD HAVE BEEN CONSIDERED IN THE PROCESS OF
4 DEVELOPING THAT AB 24 BASE-YEAR ADJUSTMENT
5 METHODOLOGY. AN INADEQUATE DATABASE EXISTS AND
6 WILL CONTINUE TO EXIST FOR 1990 MEASUREMENTS NO
7 MATTER HOW MUCH TIME WE SPEND STUDYING IT. AND
8 AGAIN, HOW MUCH TIME WE SPEND STUDYING SOMETHING
9 TRANSLATES INTO REAL COST FOR A COMMUNITY.

10 ACQUIRING FURTHER INFORMATION TO
11 PROVE OR DEMONSTRATE NEW 1990 FIGURES OR 1977
12 FIGURES WILL BE EXPENSIVE AND AGAIN REQUIRE
13 ADDITIONAL EXPENSIVE CONSULTING ASSISTANCE, WHICH
14 IS A RESOURCE THAT THE CITIES WOULD LIKE TO AVOID
15 HAVING TO DO. THERE ARE FLAWS THAT EXIST IN THE
16 DRS AND AB 2494 BASE-YEAR ADJUSTMENT METHODOLOGY
17 THAT CANNOT BE CORRECTED AT THE LOCAL LEVEL. IT'S
18 FINE ON THE MACRO LEVEL STATEWIDE, EVEN
19 REGIONALLY; BUT WHEN THE DATA THAT'S INPUT INTO
20 THE SYSTEM IS REGIONAL OR STATEWIDE, THEN WE HAVE
21 A RECIPE FOR PROBLEMS AT THE LOCAL LEVEL BECAUSE
22 THE INFORMATION AT THE LOCAL LEVEL DOES NOT JIVE
23 WITH WHAT IS AT THE STATE OR REGIONAL LEVEL.

24 A PERFECT EXAMPLE OF THIS IS
25 EMPLOYMENT. WE USE EMPLOYMENT FIGURES ON A

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1 COUNTYWIDE BASIS. AND WHEN COUNTYWIDE FIGURES ARE
2 TAKEN BACK AND LOOKED AT IN TERMS OF THE
3 INDIVIDUAL CITIES, IT'S NOT THE AMOUNT OF PEOPLE
4 WHO ACTUALLY WORK IN THE CITY. IT'S THE SAME
5 POPULATION THAT IS IDENTIFIED UNDER POPULATION,
6 RESIDENTIAL POPULATION, AS TO WHAT IS THEIR LEVEL
7 OF EMPLOYMENT. EXACTLY NOT WHO WORKS IN THE CITY,
8 BUT THEY GO ELSEWHERE AND WORK IN ANOTHER
9 COMMUNITY. TO GIVE YOU AN EXAMPLE OF THIS, THE
10 CITY OF TORRANCE, FOR EXAMPLE, HAS A BEDTIME
11 POPULATION OF ABOUT 135,000, BUT A DAYTIME WORK
12 POPULATION OF OVER 600,000 PEOPLE.

13 REQUIRING FURTHER STUDIES BECAUSE
14 REASONABLE ARGUMENTS LACK CERTAIN INFORMATION THAT
15 IS UNAVAILABLE AND WILL CONTINUE TO BE UNAVAILABLE
16 IS CONSIDERED TO BE UNREASONABLE AND REPRESENTS AN
17 INTRUSION, AND THIS IS WHERE THE INTRUSION COMES
18 IN, UPON JURISDICTIONS IN TERMS OF COST AND
19 RESOURCES. AND THIS IS ESPECIALLY JUST FOR THE
20 1995 YEAR. AS WE GET MORE INFORMATION, WE SHOULD
21 BE ABLE TO MEASURE THINGS MORE ACCURATELY AS WE
22 APPROACH THE YEAR 2000.

23 EXPENDING FURTHER RESOURCES TO
24 CORRECT GROSSLY INACCURATE DATA FROM THE BASE

YEAR

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25 IS INAPPROPRIATE GIVEN THAT THE BOARD ANNOUNCED

1 ACHIEVEMENT OF THE 25-PERCENT GOAL STATEWIDE. SO
2 I HAVE TO EXPLAIN TO MANY COMMUNITIES, WELL, I'M
3 SORRY YOU'RE AT 25 PERCENT STATEWIDE, BUT IN YOUR
4 COMMUNITY YOU'RE MINUS 200. THERE'S NO
5 UNDERSTANDING AT THAT POINT.

6 CITIES HAVE ALREADY EXPENDED
7 CONSIDERABLE SUMS OF MONEY, AND I KNOW, FOR
8 INSTANCE, THAT IT'S IN THE 20 TO \$30 MILLION RANGE
9 FOR THE NUMEROUS WASTE STUDIES, REPORTS, PLANS,
10 AND ACTIVITIES THAT PERHAPS COULD BETTER HAVE BEEN
11 SPENT UPON MARKET DEVELOPMENT AND COLLECTION
12 SYSTEMS. I THINK ALL OF US WOULD APPRECIATE THAT.

13 REQUIRING CITIES TO GO BACK AND
14 PROVE TO THE UTMOST DEGREE THEIR CONTENTION FOR
15 BASE-YEAR AND REPORTING YEAR REVISIONS IS A
16 WASTEFUL, FRUITLESS EXERCISE GIVEN THE LEVEL OF
17 SOLID WASTE DATA INACCURACY AT THE LOCAL LEVEL.
18 AND REALLY DIVERTING ATTENTION FROM THE GOALS OF
19 MARKET DEVELOPMENT, WASTE PREVENTION, AND
20 RECYCLING AND COMPOSTING, YOU KNOW, TOWARDS THE
21 GOAL OF REFINING OUR BEAN COUNTING IS KIND OF MADE
22 WORSE ALSO BY HAVING TO GO THROUGH A LOT OF AGENCY
23 APPROVALS. THE GOOD FAITH EFFORT SHOULD BE ON THE
24 LOCAL COMMUNITY, AND THEY SHOULD MAKE THAT
25 DETERMINATION. OF COURSE, THERE IS OVERSIGHT AT

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1 THE BOARD, BUT THAT ULTIMATE LIABILITY RESTS WITH
2 THE LOCAL COMMUNITY.

3 SO GOING BACK TO THE BOARD, HAVING A
4 BOARD APPROVED METHODOLOGY BECOMES COUNTER-
5 PRODUCTIVE AND, WE BELIEVE, HARMFUL TO THE AIM OF
6 AB 939; THAT IS, TO DIVERT WASTE FROM DISPOSAL.

7 AGAIN, IN CONCLUSION, WE RESPECT-
8 FULLY REQUEST THAT THE BOARD DIRECT STAFF TO
9 REVISE THE RECOMMENDATIONS OF THE WORKING GROUP
10 AND, GIVEN THE COMPLEXITIES IN L.A. COUNTY, WE'D
11 LIKE TO SUGGEST A SERIES OF MEETINGS WITH THE
12 CITIES IN THE AREA WHICH COULD BE USEFUL BEFORE A
13 FINAL CONSIDERATION OR ACTION BY THE BOARD. THANK
14 YOU VERY MUCH. AND IF THERE'S ANY QUESTIONS, I'D
15 BE PLEASED TO ANSWER THOSE.

16 BOARD MEMBER CHESBRO: SO YOU ARE
17 SUGGESTING THAT WE ELIMINATE THE BASE-YEAR
18 CONSIDERATION AT ALL BECAUSE WE'VE GOTTEN 25
19 PERCENT STATEWIDE AND NO LONGER CONSIDER WHAT
20 WAS -- THE ATTEMPTS TO ESTABLISH A BASE YEAR?

21 MR. HULS: THAT IS NOT MY PERSONAL
22 OPINION, BUT I HAVE HAD THAT EXPRESSED TO ME
23 SEVERAL TIMES, THAT SINCE WE ARE AT 25 PERCENT,
24 THAT THERE BE A DIVERSION HOLIDAY, SO TO SPEAK.

25 BOARD MEMBER CHESBRO: OF COURSE, THAT

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1 WOULD ELIMINATE THE ABILITY TO NOT ONLY DETERMINE
2 25-PERCENT ACHIEVEMENT, BUT ALSO 50 PERCENT.

3 MR. HULS: THAT'S MY CONCERN WITH IT IS
4 THAT WE CANNOT MEASURE FUTURE ACHIEVEMENT OF
5 GOALS. WE JUST NEED TO HAVE A MEASUREMENT SYSTEM
6 THAT IS FLEXIBLE ENOUGH TO RECOGNIZE THAT IN SOME
7 COMMUNITIES THEY ARE JUST NOT GOING TO HAVE THE
8 DATA AND DO NOT HAVE THE RESOURCES TO BE ABLE TO
9 COMPLY WITH CERTAIN ASPECTS OF THE BOARD
10 ADJUSTMENT -- EXCUSE ME -- THE WASTE ADJUSTMENT
11 METHODOLOGIES AS PROPOSED BY STAFF AS CURRENTLY
12 CONSTITUTED.

13 BOARD MEMBER CHESBRO: DID YOU DO -- DOES
14 YOUR FIRM DO GENERATION STUDIES IN THE COMMUNITIES
15 THAT ARE HAVING PROBLEMS?

16 MR. HULS: YES. AND SOME OF THE
17 METHODOLOGIES HAVE ACTUALLY BEEN ACCEPTED BY BOARD
18 STAFF. BUT TO ME, EVEN IF I HAVE THE OPPORTUNITY
19 TO GO TO THOSE TYPES OF STUDIES, THAT IS NOT, I
20 THINK, IN THE BEST INTEREST OF RECYCLING.

21 BOARD MEMBER CHESBRO: NO, BUT I WAS
22 REFERRING TO THE BASE-YEAR STUDIES.

23 MR. HULS: BASE-YEAR STUDIES, YES.

24 BOARD MEMBER CHESBRO: SO CAN YOU SORT OF
25 EXTRAPOLATE ON WHAT THE CAUSE OF SOME OF THE

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1 BASE-YEAR PROBLEMS WERE IN TERMS OF GETTING
2 ACCURATE NUMBERS AT THE GET-GO WHEN WE WERE TRYING
3 TO DO THIS IN 1990?

4 MR. HULS: SURE. I WOULD BE PLEASED TO
5 DO THAT. AND I'LL SPEAK STRICTLY FROM L.A. COUNTY
6 PERSPECTIVE BECAUSE I DID WORK ON ABOUT 50 SRRE'S
7 IN THE LOS ANGELES AREA BACK IN 1990.

8 IN TERMS OF DEVELOPING INFORMATION
9 FOR THE SOLID WASTE STUDIES, WE EXPERIENCED
10 SEVERAL DIFFERENT ISSUES OR PROBLEMS. NO. 1 WAS
11 THE ACTUAL POINT AT WHICH WE COULD SAY THAT WE HAD
12 THE SPECIFIC GUIDELINES OR REGULATIONS IN PLACE.

13 AND I THINK, IF YOU CAN RECALL,
14 CITIES WERE ASKED TO BEGIN THE PROCESS LATE IN
15 1990, EARLY IN 1991, SO WE WERE KIND OF BEHIND THE
16 COIN, SO TO SPEAK, AND THE ACTUAL REGULATIONS
17 THEMSELVES WERE NOT IN A COMPLETE STATUS. SO WE
18 DIDN'T HAVE ALL THE INFORMATION AVAILABLE TO
19 PREPARE A VERY SPECIFIC STUDY.

20 NOW, THE STUDIES THEMSELVES ALSO HAD
21 TO TAKE FROM HISTORICAL EXPERIENCE. IT'S
22 GENERALLY ASSUMED THAT A BROADBASED SOLID WASTE
23 STUDY IN WHICH YOU LOOK AT WHAT'S BEING PRODUCED
24 AND WHEN IT GOES TO THE LANDFILL, WHAT THE
25 COMPOSITION IS AND WHO'S DELIVERING THINGS TO THE

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1 LANDFILL IN TERMS OF FRANCHISE HAULERS WOULD HAVE
2 CONSTITUTED MOST OF THE WASTE, AND THAT ACTUALLY
3 WASN'T THE CASE. AND IT TOOK QUITE A BIT OF
4 ADDITIONAL WORK AND LATER INFORMATION FROM THE
5 DISPOSAL REPORTING SYSTEM TO IDENTIFY ALL OF THE
6 KEY PROBLEMS AND FLAWS THAT WERE EMBODIED IN THE
7 INITIAL SOLID WASTE GENERATION STUDY FORMATS.

8 BOARD MEMBER JONES: COULD I ASK A
9 QUESTION. IF WE STAYED ON THE DIVERSION BASED
10 METHODOLOGY RIGHT NOW, CONSIDERING THERE'S A FIVE
11 MILLION TON SHORTFALL IN L.A. COUNTY, WHAT WOULD
12 YOU HAVE BEEN AT? CLOSE TO 25 PERCENT RIGHT NOW?

13 MR. HULS: PROBABLY NOT.

14 BOARD MEMBER JONES: YOU'D HAVE BEEN
15 REAL CLOSE, RIGHT? YOU GOT A FIVE MILLION TON
16 SHORTFALL RIGHT NOW, PLUS THE OTHER PROGRAMS.

17 MR. HULS: I DON'T BELIEVE THAT THE
18 DIVERSION LEVELS OVERALL FOR L.A. COUNTY WERE
19 ABOVE 15 PERCENT AS I RECALL FROM THE STUDIES.
20 AND THERE WERE A LOT OF DIFFICULTIES IN COMING UP
21 WITH ACCURATE INFORMATION FOR THE DIVERSION
22 ANALYSIS.

23 BOARD MEMBER JONES: WHAT I'M SAYING IS
24 TODAY. WHEN THIS WHOLE PROCESS STARTED, THERE
25 WAS -- YOU KNOW, I WAS ON THAT SIDE, AND I WAS

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1 WORKING ON THESE PROGRAMS AND GETTING HAMMERED BY
2 STAFF AND LISTENING TO CONSULTANTS AND DOING ALL
3 THAT STUFF, TRYING TO COME UP WITH THE GENERATION
4 OF WASTE. AND THERE WAS -- WE BASED THOSE NUMBERS
5 ON WHAT WAS ACTUAL.

6 AND I THINK THAT -- THAT SOME OF THE
7 LETTERS THAT I SAW IN THIS PACKAGE SAID THAT THE
8 REASON THAT THERE IS A PROBLEM IS BECAUSE IT WENT
9 FROM DIVERSION BASED TO DISPOSAL BASED
10 INFORMATION. I HAVE A HARD TIME UNDERSTANDING
11 THAT BECAUSE IF THE NUMBER IS ACCURATE FROM THE
12 BEGINNING OR SEMIACCURATE, THEN IT'S NOT GOING TO
13 MATTER WHICH OF THE TWO -- WHICH OF THE TWO
14 SYSTEMS WERE DONE.

15 WHERE THE PROBLEM COMES IN IS IF YOU
16 UNDERSTATED THE DISPOSAL AT THE BEGINNING, KNOWING
17 THAT IT WAS GOING TO BE DIVERSION BASED, IT WAS
18 GOING TO BE MUCH EASIER TO ATTAIN THE 25- AND
19 50-PERCENT MANDATE. WHEN YOU GO TO DISPOSAL BASE
20 AND YOU'RE LOOKING AT THAT UNDERSTATED TONNAGE,
21 WHICH WAS CLEARLY BOTH A MISTAKE ON THE JURISDIC-
22 TION AND A -- FOR WHATEVER REASON THEY MADE THOSE
23 MISTAKES, WE'LL LEAVE IT AT THAT, AND NOW THEY'VE
24 GOT TONNAGE THAT IN SOME CASES SHOWS THAT THEY'VE
25 NOT ONLY DIVERTED, THEY'VE ADDED 37 PERCENT TO

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1 THEIR WASTESTREAM, AND THESE SAME PEOPLE ARE
2 WRITING A LETTER SAYING, YOU KNOW, IT'S REALLY NOT
3 OUR PROBLEM BECAUSE YOU GUYS CHANGED THE WAY THAT
4 YOU WERE GOING TO SCORE US. DOESN'T MAKE ANY
5 SENSE TO ME PERSONALLY BECAUSE IF WE WANTED TO
6 LOOK AT OPTIONS AND THEY SAY LOOK AT THE GOOD
7 FAITH EFFORT, I GO BACK TO THE FIRST STUDY AND SAY
8 IF YOU UNDERSTATED THE TONNAGE GOING IN, WHERE IS
9 THE GOOD FAITH EFFORT ON THAT PART?

10 I MEAN I HAVE A REAL PROBLEM WITH
11 THIS BECAUSE I THINK THAT THE INDUSTRY HAS BUILT
12 AN INFRASTRUCTURE TO MEET AB 939. I THINK THE
13 CITIES AND COUNTIES HAVE DONE -- THEY'RE THE
14 ULTIMATE STAKEHOLDER IN THIS THING AS FAR AS
15 HAVING TO LIVE WITH THOSE FINES AND THOSE THINGS.
16 I THINK IT MADE CONSULTANTS RICH ALL UP AND DOWN
17 THE STATE COMING UP WITH THIS STUDIES. AND NOW
18 THAT THEY CAN'T MEET THEM, THEY COME BACK TO THE
19 BOARD AND SAY, LOOK, WE NEED OPTIONS. WE NEED TO
20 BE ABLE TO DO THIS STUFF BECAUSE WE DON'T WANT TO
21 BE FINED, BUT WE WANT TO LOOK AT A GOOD FAITH
22 EFFORT BECAUSE, YOU KNOW, WE'RE GOOD PEOPLE.

23 WELL, I AGREE YOU'RE GOOD PEOPLE,
24 BUT I DON'T THINK THAT IT MAKES A LOT OF SENSE
25 THAT THOSE ARE REASONABLE ARGUMENTS. YOU
KNOW, A

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1 REASONABLE ARGUMENT ISN'T HOW TO GET TO THE
2 CONCLUSION. IT'S WHAT WAS DESIGNED AT THE
3 BEGINNING TO MAKE SURE THAT THE CONCLUSION IS
4 FAIR.

5 I HAVE A PROBLEM WITH THIS WHOLE
6 THING. I MEAN I WOULD JUST AS SOON -- I'M GOING
7 TO MAKE A MOTION AT SOME POINT OR NOT VOTE, BUT I
8 WANT TO MAKE A MOTION THAT WE MOVE -- THAT WE HOLD
9 ONTO THIS THING BECAUSE I WOULD LIKE TO GO BACK TO
10 THE STUDIES IN L.A. AND LOOK AT THE INITIAL SRRE'S
11 AND SEE WHERE THEY CHARGED THAT A YARD OF
12 COMPACTED WASTE WEIGHED A HUNDRED POUNDS. I HAVE
13 BEEN DOING THIS A LONG TIME. I DON'T KNOW ANYBODY
14 IN THIS BUSINESS THAT WOULD MAKE AN ASSUMPTION
15 THAT A YARD OF COMPACTED WASTE WEIGHS A HUNDRED
16 POUNDS. THAT IS A NUMBER THAT I HAVE NEVER BEEN
17 ABLE TO UNDERSTAND, YET IT IS IN SRRE'S UNDER THE
18 WASTE GENERATION STUDIES.

19 I WOULD LIKE TO BE ABLE TO TAKE THAT
20 A COUPLE OF STEPS AND SEE WHAT'S REAL, NOT JUST
21 COME UP WITH A BUNCH OF FLUFF TO LET EVERYBODY
22 FIGURE OUT THAT THEY'RE GOING TO MAKE THE
23 DIVERSION RATE. LET'S LOOK AT THE REAL NUMBER.
24 AND IF THEY DIDN'T REACH IT, THEN THEY GOT TO COME
25 UP WITH A PROGRAM TO DO IT, NOT THE SPINNING TO BE

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1 ABLE TO CONVINCE EVERYBODY THAT THE NUMBER IS
2 RIGHT.

3 SO I MEAN THERE'S MORE DISCUSSION,
4 BUT WHEN THE TIME COMES, CHAIRMAN, I'D LIKE TO
5 MAKE A MOTION THAT WE HOLD THIS THING FOR A WHILE.

6 CHAIRMAN PENNINGTON: ANY OTHER -- GO
7 AHEAD.

8 MR. HULS: I'D JUST LIKE TO TAKE A MOMENT
9 TO RESPOND, IF I MAY.

10 CHAIRMAN PENNINGTON: CERTAINLY.

11 MR. HULS: ONE THING IS I THINK THE
12 CITIES SHARE EVERYBODY'S FRUSTRATION WITH THE
13 WHOLE PROCESS. I DON'T THINK THERE'S ANY ATTEMPT
14 BY CITIES TO SAY LET'S FORGET EVERYTHING IN THE
15 PAST. NO. THEY HAVE -- THEY ARE MAKING GOOD
16 FAITH EFFORTS TO TRY TO CORRECT THAT BASELINE.
17 THE BASELINE WAS THE INFORMATION THAT WAS READILY
18 AVAILABLE, AND IT DEPENDED A LOT UPON WHAT HAULERS
19 AND OTHERS WERE WILLING TO SUBMIT TO THE
20 CONSULTANTS AND, OF COURSE, TO THE CITIES. AND
21 THERE ARE A LOT OF FOLKS THAT DID NOT REPORT
22 ANYTHING AT ALL BECAUSE THEY WEREN'T IDENTIFIED AT
23 THE TIME.

24 I'D HAVE TO SAY THAT PART OF IT WAS
25 THE EMPHASIS ON DIVERSION, COUNTING DIVERSION.

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1 AND THERE WAS MORE EMPHASIS ON THAT AND PROBABLY
2 LESS ON DISPOSAL COUNTING. OBVIOUSLY, THAT
3 CHANGED, AND WE HAVE A DISPOSAL REPORTING SYSTEM.
4 BUT I DON'T THINK THERE'S ANY ATTEMPT BY THE
5 CITIES TO GO BACK AND SAY, WELL, WE'RE NOT TAKING
6 OUR LUMPS ON THAT. NO. THEY WANT TO INCLUDE THAT
7 INFORMATION. THE PROBLEM IS HOW DO WE GO ABOUT
8 DOING THAT? WHAT'S THE BEST WAY TO DO THAT?

9 AND WITHOUT GOING BACK AND HAVING TO
10 SPEND BEAUCOUP MORE MONEY TO COME OUT AND DO THAT.
11 I DISAGREE WITH THE IDEA OF SPENDING A LOT OF
12 MONEY ON CONSULTANT STUDIES. MY EMPHASIS IN MY
13 WORK IS IMPLEMENTATION. IT'S BEEN THAT WAY SINCE
14 MY FIRST INVOLVEMENT IN THE INDUSTRY BACK IN 1970,
15 IMPLEMENTATION, AND THAT'S WHAT'S GOING TO SOLVE
16 OUR PROBLEM WITH DISPOSAL CAPACITY.

17 AND TO SPEND OUR TIME SPINNING THE
18 WHEELS ON THIS, IT'S 1997, I CAN'T CONVINCE MANY
19 CITY COUNCILS TO SPEND ANY MONEY OTHER THAN THAT
20 WHAT'S OUR NUMBER. WE DON'T KNOW WHAT THE NUMBER
21 IS EXACTLY BECAUSE WE DON'T HAVE APPROVAL YET FROM
22 THE BOARD. WHEN ARE YOU GOING TO GET APPROVAL?
23 SO THIS THING KEEPS GOING ON AND ON, AND WE'D LIKE
24 TO SEE SOME TYPE OF RESOLUTION, BUT AT THE SAME
25 TIME NEED TO HAVE SOME FLEXIBILITY THIS FIRST TIME

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1 AROUND TO GET THE NUMBERS EXACTLY WHERE THEY
2 SHOULD BE. AND WE'RE NOT TALKING ABOUT SMOKE AND
3 MIRRORS, BUT, RATHER, TO TRY TO GET IT AS ACCURATE
4 AS WE CAN, SOMETHING THAT EVERYBODY CAN LIVE WITH,
5 AND DO IT IN A WAY THAT'S THE LEAST COST POSSIBLE
6 AT THIS POINT.

7 BOARD MEMBER JONES: I APPRECIATE THAT,
8 MR. CHAIRMAN. I HAVE A PROBLEM WITH THIS THING,
9 AND THERE'S PLENTY OF INFORMATION OUT THERE, THAT
10 IF WE -- YOU KNOW, I'D LIKE TO BE ABLE TO COME AS
11 A GUEST TO ONE OF THE WORKING GROUPS JUST TO THROW
12 OUT A FEW IDEAS OF HOW WE END UP LOOKING AT
13 AVAILABLE INFORMATION, TYING IN THE FIVE MILLION
14 TONS OF LOST GARBAGE, TYING IN WHAT SOME OF THE
15 CONVERSION FACTORS WERE. THEY HAVE TO HAVE THEIR
16 SUPPORT PAPERS. THAT DOESN'T TAKE A LONG TIME.

17 IF YOU SAY THAT X AMOUNT OF LOADS OF
18 GARBAGE CAME INTO THIS LANDFILL, AND WE'VE SAID
19 THAT THOSE LOADS WERE EQUATED TO A HUNDRED POUNDS
20 A CUBIC YARD COMPACTED, THAT'S A REAL EASY
21 CONVERSION FACTOR. I MEAN IN L.A. YOU GOT
22 AMAROFFS AND MAXONS (PHONETIC), SO IT'S GOING TO
23 BE 700 POUNDS A YARD. IT'S SIMPLE STUFF. SO YOU
24 CAN MAKE THOSE KINDS OF CHANGES, COME UP WITH A
25 NUMBER THAT MAKES SINCE, RATHER THAN HAVING TO,

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1 DOING A DISSERVICE TO THOSE TO DRAG THIS
PROCESS
2 OUT. I THINK THAT IT'S POSSIBLE TO DO BOTH.
IT'S
3 POSSIBLE TO ADOPT THIS LIST BUT SAY IT'S NOT
4 EXCLUSIVE. AND WE WANT TO HAVE -- MAKE
AVAILABLE
5 THE DEVELOPMENT OF ADDITIONAL APPROACHES
SIMPLER
6 AND CHEAPER.
7 IF L.A. COUNTY HAS AN IDEA OR IF
8 BOARD MEMBER JONES HAS A SUGGESTION, GREAT.
BUT I
9 THINK THAT WE'RE -- ONCE AGAIN, TIME IS
TICKING
10 AND WE'RE -- WE CONTINUE TO SPIN OUR WHEELS
AND BE
11 FOCUSED ON THAT INITIAL BASE-YEAR NUMBER,
WHICH IS
12 STEP ONE OUT OF NUMEROUS STEPS, THAT WE NEED
TO
13 GET TO THE QUESTION OF DETERMINING WHETHER
JURIS-
14 DICTIONS HAVE ACHIEVED 50 PERCENT OR NOT. AND
SO

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15 I JUST DON'T WANT TO SLOW ANY OF THAT DOWN
WHILE
16 WE CONTINUE TO SHOW AN OPENNESS TO ADDITIONAL
17 SOLUTIONS.
18 AND, YOU KNOW, SO MY PREFERRED
19 OPTION WOULD BE TO APPROVE THIS LIST, DIRECT
STAFF
20 TO WORK WITH L.A. COUNTY AND ANY OTHER
JURISDIC-
21 TION THAT WANTS TO APPROACH IT FROM SOME OTHER
22 STANDPOINT TO SEE IF IT'S A VIABLE OPTION THAT
23 COULD HELP TO CORRECT THEIR ORIGINAL PROBLEMS
WITH
24 THE NUMBERS. SO THAT'S MY SUGGESTION. THAT
WAS
25 THE COMMITTEE'S ACTION.

1 BOARD MEMBER JONES: I HAVE A -- YOU
2 KNOW, A LOT OF THE OPTIONS THAT ARE LISTED ARE
3 DIVERSION. I WAS ON A ROAD SHOW DOWN TO SOUTHERN
4 CALIFORNIA TO THE PUBLICS, THE CITIES AND THE
5 COUNTIES, AND WAS AMAZED THAT THERE ARE ACTUALLY
6 PLACES THAT ARE, THROUGH CURBSIDE RECYCLING, THAT
7 ARE RECYCLING 38 PERCENT OF THE WASTESTREAM. IT'S
8 A PHENOMENON THAT I'VE NEVER COME IN CONTACT WITH.
9 I NEVER SAW, YOU KNOW, THAT INCREDIBLE AMOUNT OF
10 VOLUME WITH PLASTIC BOTTLES THAT WEIGH AN OUNCE
11 AND ALUMINUM CANS THAT WEIGH AN OUNCE AND, YOU
12 KNOW, GLASS AND NEWSPAPER BE ABLE TO BE WEIGHED
13 AND COUNTED AND ACTUALLY EQUATE TO 38 PERCENT OF
14 THE WASTESTREAM.

15 SO IF WE END UP GOING WITH THIS,
16 THAT'S GOING TO GIVE CITIES AND COUNTIES -- IT'S
17 GOING TO VALIDATE THEIR APPROACH TO COMING UP WITH
18 NUMBERS ON A DIVERSION BASED METHODOLOGY THAT
19 WE'RE NOT GOING TO BE ABLE TO VERIFY. THEY'RE
20 GOING TO BE IMPOSSIBLE TO VERIFY. IF THEIR OWN
21 PEOPLE BELIEVE THAT THEY'RE DIVERTING 35 PERCENT
22 OF THE WASTESTREAM IN A CURBSIDE RECYCLING
23 PROGRAM, THAT'S PHENOMENAL. I MEAN THE SUCCESS IS
24 PHENOMENAL ON SOMETHING LIKE THAT BECAUSE I'VE
25 NEVER SEEN IT HAPPEN.

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1 AND I HAVE A LITTLE EXPERIENCE IN
2 THAT. CITY OF SAN FRANCISCO, WE HAVE PRETTY GOOD
3 CURBSIDE PROGRAM. YOU KNOW WHAT I'M SAYING?
4 WE'VE HAD THE ARGUMENT TWO OR THREE TIMES IN THE
5 LAST COUPLE OF DAYS THAT WE'VE BEEN WAITING A
6 YEAR, 18 MONTHS, 17 MONTHS, ALL THIS TIME, BUT I
7 WOULD RATHER WAIT A COUPLE OF MONTHS AND DEAL
8 WITH -- PUT THIS THING OUT THERE SO THAT WE DON'T
9 OPEN UP OTHER OPPORTUNITIES AND THAT THIS
10 DEPARTMENT DOESN'T BECOME A BUNCH OF BEAN COUNTERS
11 DEALING WITH AN ISSUE WHEN WE JUST GOT THROUGH
12 SPENDING A DAY WORKING ON A STRATEGIC PLAN THAT'S
13 GOING TO HAVE US FOCUS OUR EFFORTS ON REAL
14 PROGRAMS, AND WE'RE GOING TO SPEND TIME IN THE --
15 YOU KNOW, WE'RE GOING TO SPEND TIME COUNTING
16 ALUMINUM CANS. IT DOESN'T MAKE ANY SENSE TO ME
17 UNLESS WE TAKE ALL THESE OPTIONS OUT, BUT THAT --

18 BOARD MEMBER CHESBRO: THE ONLY OPTIONS
19 THAT ARE UNDER CONSIDERATION ARE THE FIVE THAT ARE
20 ON PAGE 214, NOT THE WHOLE ATTACHMENT.

21 CHAIRMAN PENNINGTON: SOUNDS LIKE TO ME
22 IT'S TIME FOR A MOTION.

23 BOARD MEMBER JONES: I MAKE A MOTION THAT
24 WE POSTPONE THIS AND GIVE SOME TIME AND BRING IT
25 BACK AND WORK WITH STAFF AND BRING IT BACK WHEN WE

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1 CAN COME UP WITH SOME OTHER INPUT AND TAKE A LOOK
2 AT WHERE THIS IS GOING TO GO SO THE PRODUCT WE PUT
3 OUT IS A PRODUCTS THAT WORKS.

4 BOARD MEMBER RELIS: COULD I ASK THE
5 MAKER OF THE MOTION. I WOULD SECOND IT IF THERE'S
6 A TIME FRAME PUT IN.

7 BOARD MEMBER JONES: AT YOUR CHOICE.
8 GIVE ME A TIME FRAME.

9 BOARD MEMBER RELIS: SIXTY DAYS.

10 BOARD MEMBER JONES: TWO MONTHS? IS THAT
11 REASONABLE? SIXTY DAYS IS GOOD.

12 BOARD MEMBER RELIS: AND COULD WE BE MORE
13 SPECIFIC PERHAPS ABOUT WHAT THE EXPECTATION IS
14 HERE?

15 BOARD MEMBER JONES: THE WORKING -- MY
16 EXPECTATION IS THAT THE WORKING GROUP RECONVENE OR
17 STAFF RECONVENE AND DEAL WITH THE ISSUES OF THE
18 BASE-YEAR ACCURACIES, THOSE TYPES OF THINGS, SEE
19 HOW WE CAN RECONCILE IT. I DON'T WANT TO PUT OUT
20 OPTIONS THAT PROMOTE DIVERSION COUNTING, SO WE
21 NEED TO COME UP WITH SOMETHING, WHETHER IT BE A
22 BOARD, THROUGH THE COMMITTEE, THROUGH WHATEVER.

23 I'VE ONLY BEEN HERE THREE MONTHS.

I

24 DON'T KNOW HOW ALL THIS STUFF WORKS.

25 MR. SCHIAVO: I JUST WANT TO MAKE A

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1 COMMENT REGARDING -- I THINK BY LOOKING AT THE
2 FIVE ITEMS, IT KIND OF SKEWS THE NATURE OF WHAT
3 THIS ALL LOOKS LIKE. ITEM NO. 1, THE FIRST
4 RECOMMENDATION, THAT'S HUGE. THAT'S ATTACHMENT
A,

5 AND THAT CONTAINS A HUGE NUMBER OF SUBSETS WHICH
6 ALL DEAL WITH THE DISPOSAL SIDE OF THE EQUATION.

7 THE REASON THAT WE INCLUDED THE
8 DIVERSION SITE IN THERE IS BECAUSE WE HAD
REQUESTS

9 FROM PEOPLE ON THE WORKING GROUP AND OTHERS THAT
10 THAT MAY HELP THEM CREATE -- THEY JUST WANTED TO
11 BE ABLE TO HAVE THE OPPORTUNITY TO DO A NEW
12 GENERATION STUDY FOR WHATEVER REASON. BUT IT WAS
13 JUST TO ALLOW THE UNIVERSE OF OPTIONS TO BE
14 INCLUDED, BUT THE FOCUS OF THIS EFFORT WAS ON THE
15 DISPOSAL SIDE OF THE EQUATION.

16 AND THIS WAS, AGAIN, OUT TO OVER
125

17 PEOPLE. WE ONLY RECEIVED SIX COMMENTS OR SIX
18 JURISDICTIONS THAT EVEN COMMENTED ANYTHING AT ALL
19 REGARDING THIS. SOME WERE FAVORABLE; SOME WERE
20 JUST COMMENTARY THAT DIDN'T PROVIDE ANY
ADDITIONAL

21 RECOMMENDATIONS. THERE WERE TWO ADDITIONAL
22 RECOMMENDATIONS THAT WERE INCLUDED IN THIS

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PACKAGE

23 THAT, YOU KNOW, WERE NOT NECESSARILY AGREED UPON

24 BY THE WORKING GROUP, BUT THAT WAS THE ACTUAL

25 EMPHASIS OF THIS EFFORT WAS THE DISPOSAL SIDE OF

1 THE EQUATION.

2 AND WE'RE WORKING WITH L.A., WE'RE
3 CONTINUING, WE'RE COMMITTED TO WORKING WITH THEM,
4 AND THERE ARE ISSUES AND WE IDENTIFIED THEM AS --
5 YOU KNOW, THE INERTS IS A BIG ISSUE, THE HAULERS
6 THAT WEREN'T FRANCHISE, AS WELL AS SOME OTHER
7 WASTESTREAMS THAT ARE OUT THERE. SO WE'RE WORKING
8 TOWARDS THAT END, AND IT IS A BIG PROBLEM BECAUSE
9 OF THE NATURE OF L.A., BUT THE FOCUS OF THIS WAS
10 DIVERSION -- NOT DIVERSION, BUT DISPOSAL.

11 BOARD MEMBER RELIS: COULD I ASK THEN,
12 MR. JONES, AND SEE IF WE'RE ON THE SAME WAVELENGTH
13 HERE. IS THE -- I DON'T SEE MANY LETTERS FROM
14 OTHER PARTS OF THE STATE. OKAY. DOES THAT MEAN
15 THEY'RE OKAY WITH IT? WHAT'S YOUR READ? OR IS
16 THIS AN L.A. PROBLEM? I'M JUST TRYING TO -- IF IT
17 WAS STRICTLY AN L.A. PROBLEM, YOU COULD TASK SOME
18 GROUP TO GO DOWN AND WORK WITH L.A. AND TRY TO
19 FIGURE IT OUT. IF IT'S A STATEWIDE RESPONSE, THEN
20 IT'S A DIFFERENT MATTER. I GUESS THAT'S WHAT I'M
21 TRYING TO FIGURE OUT. IF WE WERE TO TASK GROUP --

22 MS. FRIEDMAN: IF I COULD START WITH A
23 RESPONSE ON THAT. IT'S MY UNDERSTANDING THAT
24 THIS -- THE CONCERNS THAT WE HAVE ARE SPECIFIC
TO
25 L.A. AT THIS POINT. WE'VE WORKED WITH MANY

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1 JURISDICTIONS UP AND DOWN THE STATE ON THIS
2 PARTICULAR ISSUE. WE'VE TAKEN THIS ITEM BEFORE
3 LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE.
4 WE'VE WORKED WITH ALL CSAC, THE LEAGUE, WE'VE
5 WORKED WITH MULTIPLE NUMBERS OF GROUPS ON THIS.

6 I'M CONCERNED THAT WE HAVE REQUESTS
7 FROM JURISDICTIONS DAILY ABOUT NEEDING THIS
8 INFORMATION IN ORDER TO COMPLETE THE TASKS THAT
9 THEY'RE ASKING TO COMPLETE, WHICH IS THEIR ANNUAL
10 REPORTS. AND THEY'RE IN THE PROCESS OF PREPARING
11 THEIR SUBSEQUENT YEAR ANNUAL REPORT, SO WE'RE
12 TALKING ABOUT LAST YEAR'S ANNUAL REPORTS THAT
13 STILL ARE HANGING OUT THERE. WE'VE GOT THIS
14 AUGUST WITH THE NEXT ROUND OF ANNUAL REPORTS
15 COMING, AND WE DON'T HAVE ANY SOLUTIONS. THIS SET
16 OF SOLUTIONS IS ASKED FOR BY A NUMBER -- MOST --
17 MAJORITY OF THE JURISDICTIONS THAT HAVE THIS
18 PROBLEM.

19 WE CAN, IN FACT, AND WE'VE HAD
20 DISCUSSIONS WITH MR. JACK MICHAEL ABOUT MEETING
21 WITH HIS JURISDICTION TO DEAL SPECIFICALLY WITH
22 HIS PROBLEM. WE MADE THAT OFFER EARLIER TODAY,
23 AND WE'VE REPEATED THAT OFFER THROUGHOUT THE WEEK
24 BETWEEN THE COMMITTEE AND THE BOARD MEETING.

25 BOARD MEMBER RELIS: IN LIGHT OF THAT, I

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1 THINK I'M GOING TO WITHDRAW MY SECOND, AND I'M
2 GOING TO MAKE A SUBSTITUTE MOTION IF I COULD. AND
3 THAT WOULD BE TO APPROVE THESE AND TASK STAFF OVER
4 THE NEXT 30 DAYS TO MEET WITH L.A. AND SEE --
5 REPORT BACK WITH AN APPROACH OR A NONAPPROACH,
6 WHATEVER YOU ARE ABLE TO WORK OUT OR NOT WORK OUT,
7 BECAUSE IF IT'S NOT A STATEWIDE PROBLEM, I DON'T
8 SEE WHY WE SHOULD --

9 BOARD MEMBER CHESBRO: I'LL SECOND IT.
10 THAT WAS ESSENTIALLY THE COMMITTEE'S RECOMMENDA-
11 TION. THE ONLY DIFFERENCE IS THAT WE DIRECTED
12 STAFF -- WE SAID L.A. COUNTY OR ANY OTHER
13 JURISDICTION THAT HAS ADDITIONAL PROBLEMS OR NEEDS
14 ADDITIONAL OPTIONS AVAILABLE, SO WE DIDN'T LIMIT
15 IT TO L.A. COUNTY. AND AS I UNDERSTOOD THE
16 MOTION, MAYBE YOU COULD RESTATE IT, BUT IT WAS TO
17 ESSENTIALLY APPROVE THIS LIST AND THEN --

18 BOARD MEMBER RELIS: YES.

19 BOARD MEMBER CHESBRO: BUT TO TRY TO ZERO
20 IN ON --

21 BOARD MEMBER RELIS: APPROVE THIS
22 SHOPPING LIST, I GUESS, OF OPTIONS. AND THEN I
23 GUESS THAT WOULD BE ONE MOTION. AND THE SECOND I
24 DON'T THINK REQUIRES A MOTION NECESSARILY. IT'S
25 GO SIT DOWN AND TALK WITH L.A. AND REPORT BACK.

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1 AND IF THERE'S --

2 CHAIRMAN PENNINGTON: LET ME JUST
3 PARLIAMENTARY HERE WITH YOU A LITTLE BIT. IF YOU
4 WITHDRAW YOUR SECOND, THERE IS NO MOTION. AND SO,
5 THEREFORE, WE DON'T NEED A SUBSTITUTE MOTION, BUT
6 JUST A REGULAR MOTION. HOWEVER, MR. JONES COULD
7 OFFER A SUBSTITUTE MOTION WHICH WOULD TAKE
8 PRECEDENCE OVER YOUR MOTION.

9 BOARD MEMBER JONES: I LOVE THIS PLACE.
10 YOU'RE WITHDRAWING YOUR SECOND AND MAKING A
11 MOTION.

12 BOARD MEMBER RELIS: A MOTION, NOT A
13 SUBSTITUTE MOTION.

14 MR. MICHAEL: MR. CHAIRMAN.

15 CHAIRMAN PENNINGTON: YES, MR. MICHAEL.

16 MR. MICHAEL: NOT TO CONFUSE
17 PARLIAMENTARY PROCEDURE, I'M PROBABLY OUT OF
18 ORDER. HOWEVER, I TAKE REAL EXCEPTION TO WHAT
19 I'VE JUST HEARD HERE FROM STAFF AND WHAT I HEARD
20 YESTERDAY. I HEARD YESTERDAY THAT SOMEHOW YOU
21 NEED TO INCREASE YOUR EFFORTS TO COMMUNICATE
22 WITH
23 DECISION MAKERS BECAUSE WASTE MANAGERS SOMEHOW
24 AREN'T GETTING THE MESSAGE.

 I JUST HEARD THAT CSAC, THE
LEAGUE

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25 OF CITIES, ALL THESE FOLKS HAVE BEEN INVOLVED
IN

1 THIS PROCESS. I'M SORRY, BUT I'M VERY INVOLVED
2 WITH SWANA. I'M VERY INVOLVED WITH COUNTY
3 ENGINEERS ASSOCIATION, VERY INVOLVED WITH CSAC.
4 WE JUST FINISHED OUR MEETINGS IN THE LAST THREE
5 WEEKS. THIS ISSUE WAS NOT BROUGHT UP, WAS NOT
6 DISCUSSED AT ANY OF THOSE MEETINGS. SO I TAKE
7 EXCEPTION WITH THIS WHOLE IDEA THAT EVERYBODY
8 SIGNED OFF ON THIS THING. I'M NOT SURE IT'S
9 GOTTEN ANYBODY'S ATTENTION, QUITE FRANKLY, EXCEPT
10 SOME OF US THAT PAY ATTENTION TO THESE THINGS.

11 AND IT'S NOT JUST AN L.A. ISSUE; OR
12 IF IT IS, FINE, EXCEPT THE IDEA THAT THIS
13 ATTACHMENT IS NOT EXCLUSIVE IS FINE AS LONG AS
14 IT'S NOT PRECLUSIVE. AND I REPEAT AGAIN, THAT IF
15 THE BOARD APPROVES THESE ATTACHMENTS, THERE ARE
16 METHODOLOGIES IN THERE THAT ARE IDENTIFIED AS NOT
17 ACCEPTABLE. AND THAT DOESN'T GIVE ME MUCH
18 FLEXIBILITY IN TERMS OF LOOKING AT THIS ISSUE.

19 SO I UNDERSTAND TIMING CONCERNS. I
20 UNDERSTAND, I THINK, WHERE THE STAFF SEEMS TO WANT
21 TO GO WITH THIS, BUT I THINK THERE ARE SOME REAL
22 ISSUES. AND TO SUGGEST THAT THE WHOLE EFFORT HAS
23 BEEN ON TRYING TO CORRECT DISPOSAL NUMBERS, I TAKE
24 EXCEPTION WITH WHEN I GO THROUGH THIS ATTACHMENT
25 AND FIND SO MANY UNACCEPTABLE METHODOLOGIES FOR

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1 TRYING TO EXTRAPOLATE WHAT BAD NUMBERS WERE IN THE
2 FIRST PLACE.

3 CHAIRMAN PENNINGTON: MR. EDGAR, PROVIDED
4 YOU'RE ADDRESSING THE MOTION THAT'S ON THE FLOOR.

5 MR. EDGAR: THANK YOU, CHAIRMAN. MY NAME
6 IS EVAN EDGAR FROM THE CALIFORNIA REFUSE REMOVAL
7 COUNCIL. THE PRIVATE SECTOR STATEWIDE
8 ORGANIZATION, WE ARE IN A SECONDARY ROLE HERE, AND
9 THE PRIMARY ROLE IS JURISDICTIONS. IT'S THEIR
10 NUMBERS; THEY'RE BEAN COUNTING. SO WE'VE BEEN IN
11 A SECONDARY ROLE, BUT I HEARD RUMBLINGS STATEWIDE
12 THAT SOME PRIVATE HAULERS DO HAVE PROBLEMS BEYOND
13 JUST L.A. IN ISOLATED COMMUNITIES, SO IT IS A
14 STATEWIDE PROBLEM, BUT WE'VE ALWAYS BEEN IN A
15 SECONDARY ROLE AND NOT AN ACTIVE PARTICIPANT.

16 SO WITH THIS INFORMATION TODAY AND
17 SEEING THAT THE BEANS ARE GOING TO ROLL DOWNHILL
18 TOWARD THE PRIVATE HAULERS WITH REGARDS TO THE
19 PROGRAMS, I THINK WE'RE GOING TO GET ACTIVELY
20 INVOLVED AND BE TAKING THIS INFORMATION BACK TO
21 OUR STATEWIDE JOINT MEETING ON APRIL 12TH TO GET
22 SOME INPUT FROM THE STATEWIDE ORGANIZATION. THANK
23 YOU.

24 BOARD MEMBER CHESBRO: MR. CHAIRMAN, WITH
25 REGARDS TO COUNTY PARTICIPATION, I HAVE NOT

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1 PERSONALLY TALKED -- SPOKE TO CSAC, BUT I TAKE
2 STAFF AT THEIR WORD THAT CSAC PARTICIPATED. AND
3 MY EXPERIENCE, HAVING CHAIRED CSAC'S COMMITTEE
4 THAT OVERSEES THIS STUFF, IS THAT THEY RELY ALMOST
5 EXCLUSIVELY AS A FIRST STEP IN ANY SOLID WASTE
6 DECISION MAKING PROCESS OR RECYCLING DECISION
7 MAKING PROCESS ON CAC, COUNTY ENGINEERS
8 ASSOCIATION, FOR RECOMMENDATIONS BEFORE CSAC SETS
9 ITS POLICY, AND I WOULD FIND IT REALLY HARD TO
10 BELIEVE THAT THERE WASN'T INPUT FROM CAC INTO
11 CSAC'S POSITION.

12 MR. MICHAEL: I WAS AT THE MEETING.

13 BOARD MEMBER CHESBRO: WELL, MAYBE IT
14 WASN'T THAT MEETING, JACK.

15 MR. MICHAEL: I WAS AT THE MEETING AND
16 I'VE BEEN AT EVERY CAC MEETING.

17 BOARD MEMBER CHESBRO: I'LL CALL THE
18 CHAIRMAN OF CAC THIS AFTERNOON AND ASK HIM
WHETHER

19 OR NOT THEY WERE INVOLVED.

20 CHAIRMAN PENNINGTON: WE HAVE A MOTION
ON
21 THE FLOOR.

22 MR. CHANDLER: I THINK YOU NEED TO
REPEAT

23 THE MOTION, AT LEAST FOR ME. I'M NOT SURE I

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KNOW

24 WHAT THE MOTION IS. I'M SORRY.

25 CHAIRMAN PENNINGTON: CAN THE SECRETARY

1 REPEAT IT, OR DO WE NEED THE MAKER TO REPEAT IT?

2 BOARD MEMBER RELIS: IT'S A TWO PART.

3 OKAY. WE WOULD ADOPT THIS SET OF OPTIONS, AND
WE

4 ARE DIRECTING STAFF TO MEET WITH THE COUNTY OF

5 L.A. IN THE NEXT 30 DAYS --

6 THE SECRETARY: DIDN'T NEED TO BE PART
OF
7 THE MOTION.

8 BOARD MEMBER RELIS: I'M REVISING THAT
9 NOW.

10 -- AND THAT WE DIRECT STAFF TO
MEET

11 WITH THE COUNTY OF L.A. AND OTHER INTERESTED
12 PARTIES TO ATTEMPT TO RESOLVE REMAINING
13 DIFFERENCES OR -- I'LL LEAVE IT AT THAT.

14 BOARD MEMBER CHESBRO: AS THE SECONDER,
15 MAY I ASK FOR ONE THING TO BE ADDED THAT THE
16 COMMITTEE INCLUDED IN ITS MOTION, WHICH IS THAT
17 THIS NOT BE VIEWED AS AN EXCLUSIVE LIST, BUT
THAT,

18 IN FACT, WE WILL ENTERTAIN ADDITIONAL PROPOSALS
19 FROM INDIVIDUAL JURISDICTIONS THAT BRING THEM
20 FORWARD.

21 BOARD MEMBER RELIS: I THOUGHT THAT'S
THE

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22 WAY IT WAS PRESENTED.

23 BOARD MEMBER CHESBRO: I JUST WANTED
THAT

24 TO BE CLEAR.

25 CHAIRMAN PENNINGTON: OKAY. MOTION ON

1 THE FLOOR. IT'S BEEN SECONDED. WILL THE
2 SECRETARY CALL THE ROLL.

3 BOARD SECRETARY: BOARD MEMBER CHESBRO.

4 BOARD MEMBER CHESBRO: AYE.

5 BOARD SECRETARY: FRAZEE.

6 BOARD MEMBER FRAZEE: AYE.

7 BOARD SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 BOARD SECRETARY: JONES.

10 BOARD MEMBER JONES: NO.

11 BOARD SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 BOARD SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: NO. MOTION

15 CARRIES.

16 IF THERE'S NO OBJECTION, I'D LIKE TO
17 MOVE TO ITEM 43. I'M GOING TO HAVE TO LEAVE IN A
18 LITTLE BIT, AND I WOULD LIKE TO GET THIS GOING.

19 ITEM 43 IS CONSIDERATION OF A NEW
20 MAJOR WASTE TIRE FACILITY PERMIT FOR THE MODESTO
21 ENERGY LIMITED PARTNERSHIP IN STANISLAUS COUNTY.
22 MR. CHANDLER. MR. DIER. MR. GARTH ADAMS. MR.
23 KEITH CAMBRIDGE. WHO'S GOING TO DO THIS?

24 MR. DIER: WE'RE READY. GARTH ADAMS AND
25 TOM MICKA OF THE PERMITS BRANCH AND KEITH

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1 CAMBRIDGE FROM THE ENFORCEMENT BRANCH WILL BE
2 MAKING THE PRESENTATION.

3 WHAT WE HAVE BEING HANDED OUT TO YOU
4 IS A MAP DELINEATING THE DELIVERY AREA FOR THE
5 FACILITY WE'LL BE DISCUSSING WITH YOU. AND I
6 WOULD LIKE TO THANK THE BOARD FOR THEIR INDULGENCE
7 IN HEARING THIS ITEM TODAY. WHEN THE MATTER WAS
8 DISCUSSED AT COMMITTEE LAST WEEK, WE HAD JUST
9 ACCEPTED THE APPLICATION, AND SO WE DID NOT HAVE A
10 PERMIT BEFORE THE COMMITTEE LAST WEEK.

11 THE PERMIT WAS PREPARED AND
12 SUBMITTED TO EACH OF YOUR OFFICES EARLY MONDAY
13 AFTERNOON, AND SO WE DO THANK YOU FOR HEARING THIS
14 ITEM THIS MORNING OR THIS AFTERNOON. TOM.

15 MR. MICKA: GOOD AFTERNOON, MR. CHAIRMAN
16 AND MEMBERS OF THE BOARD. MODESTO ENERGY LIMITED
17 PARTNERSHIP, OR MELP FOR SHORT, HAS APPLIED FOR A
18 NEW MAJOR WASTE TIRE FACILITY PERMIT. THE
19 APPLICATION FOR MELP WAS ACCEPTED AS BEING
20 COMPLETE ON MARCH 18TH.

21 AT THE MARCH 28, 1996, BOARD
22 MEETING, THE BOARD APPROVED A MAJOR WASTE TIRE
23 FACILITY PERMIT FOR OXFORD TIRE RECYCLING
24 INCORPORATED. OXFORD'S PERMIT DID NOT INCLUDE THE
25 AREA KNOWN AS THE TIRE DELIVERY AREA WHERE WASTE

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1 TIRES ARE LOADED INTO HOPPERS FOR CONVEYANCE TO
2 MELP'S TIRE-TO-ENERGY PLANT.

3 YOU'VE BEEN HANDED OUT DRAWINGS THAT
4 SHOW THE DELINEATION OF THAT AREA WITHIN THE PD 91
5 BOUNDARY.

6 MELP'S APPLICATION SEEKS A MAJOR
7 WASTE TIRE FACILITY STORAGE PERMIT TO STORE UP TO
8 4,000 TONS OF WHOLE WASTE TIRES IN THE TIRE
9 DELIVERY AREA. MELP WILL MOVE WASTE TIRES FROM
10 THE TIRE DELIVERY AREA TO THE HOPPER CONVEYOR
11 SYSTEM FOR TRANSPORT TO THE WASTE-TO-ENERGY PLANT.

12 A PREPERMIT INSPECTION OF THE SITE
13 WAS CONDUCTED BY BOARD ENFORCEMENT STAFF THIS
14 WEEK. BOARD PERMITTING STAFF HAVE REVIEWED THE
15 APPLICATION AND SUPPORTING DOCUMENTATION AND HAVE
16 MADE THE FOLLOWING FINDINGS: THIS PERMIT
17 APPLICATION IS EXEMPT FROM CEQA REQUIREMENTS BASED
18 ON PROVISIONS IN THE PUBLIC RESOURCES CODE
19 RELATING TO THE FACT THAT THERE HAS BEEN NO
20 SUBSTANTIAL CHANGE IN THE DESIGN OR OPERATION OF
21 THE FACILITY BETWEEN JANUARY 1, 1990, AND THE DATE
22 THE APPLICATION WAS FILED.

23 THE FACILITY'S DESIGN AND OPERATION
24 IS IN COMPLIANCE WITH THE WASTE TIRE STORAGE AND
25 DISPOSAL STANDARDS. THE OPERATION PLAN AND

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1 EMERGENCY RESPONSE PLANS SUBMITTED BY THE OPERATOR
2 HAVE BEEN REVIEWED BY STAFF AND HAVE BEEN
3 DETERMINED TO MEET THE MAJOR WASTE TIRE FACILITY
4 PERMITTING REQUIREMENTS. ALTHOUGH NO SEPARATE
5 ELIMINATION REDUCTION PLAN WAS SUBMITTED, THIS
6 PLAN IS ADDRESSED IN THE CLOSURE PLAN AND HAS BEEN
7 DETERMINED TO MEET THE BOARD'S REQUIREMENTS.

8 THE CLOSURE PLAN SUBMITTED BY THE
9 OPERATOR HAS ALSO BEEN REVIEWED BY STAFF AND HAS
10 BEEN DETERMINED TO MEET THE MAJOR WASTE TIRE
11 FACILITY PERMITTING REQUIREMENTS.

12 MELP HAS SUBMITTED TWO ESTIMATES FOR
13 CLOSING THEIR FACILITY. THE FIRST ESTIMATE IS
14 BASED -- IS FOR SHREDDING ON SITE WITH THE
15 DISPOSAL OF THE SHREDS AT THE KEEFER LANDFILL IN
16 SACRAMENTO COUNTY, AND THE SECOND ESTIMATE IS FOR
17 TRANSPORTATION OF WHOLE TIRES TO A STORAGE
18 FACILITY IN MERCED.

19 SECTION 18441 OF THE REGULATIONS
20 STATES THAT IN CLOSING A WASTE TIRE FACILITY,
21 WASTE TIRES MUST BE REMOVED TO A DESTINATION
22 FACILITY APPROVAL BY THE BOARD IN THE CLOSURE
23 PLAN. DESTINATION FACILITIES ELIGIBLE FOR
24 APPROVAL BY THE BOARD SHALL INCLUDE ONE OR MORE OF
25 THE METHODS DELINEATED IN PRC SECTION 42821(B),

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1 INCLUDING PYROLYSIS, SHREDDING AND LANDFILLING,
2 ENERGY PRODUCTION THROUGH INCINERATION, ETC.

3 SHORT OF BOARD APPROVAL AT THE TIME
4 OF CLOSURE, THE USE OF KEEFER LANDFILL IS
5 CONSISTENT WITH SECTION 42821(B). BASED ON THE
6 SAME SECTIONS OF THE STATUTE AND REGULATIONS,
7 STAFF DOES NOT BELIEVE THAT THE USE OF A STORAGE
8 FACILITY AS PROPOSED IN THE SECOND ESTIMATE IS
9 ACCEPTABLE FOR ESTIMATING CLOSURE COSTS. HOWEVER,
10 THIS WOULD NOT PRECLUDE MELP FROM USING AN
11 INTERMEDIATE STORAGE FACILITY AT THE TIME OF
12 CLOSURE AS LONG AS THE FINAL DESTINATION OF THE
13 WASTE TIRES MEETS THE BOARD'S REQUIREMENTS.

14 STAFF HAS EVALUATED THE COST
15 ESTIMATE FOR THE DISPOSAL AT KEEFER LANDFILL OF
16 \$243,770 AND HAS FOUND THE COST ESTIMATE TO MEET
17 THE CLOSURE REQUIREMENTS OF THE REGULATIONS.

18 MELP HAS MET THE REQUIREMENTS FOR
19 OPERATING LIABILITY. THE FINANCIAL ASSURANCE
20 REQUIREMENTS FOR THE CLOSURE COST OF \$243,770 WILL
21 BE MET WHEN THE ORIGINAL TRUST AGREEMENT AND
22 DOCUMENTATION OF A CURRENT MARKET VALUE OF THIS
23 AMOUNT ARE RECEIVED BY THE BOARD.

24 BASED ON THESE FINDINGS AND THE
25 FACTS PRESENTED IN THE AGENDA ITEM, STAFF FINDS

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1 THAT THE APPLICATION IS IN COMPLIANCE WITH PRC
2 SECTIONS 42800 ET SEQ. AND THE WASTE TIRE FACILITY
3 PERMITTING REGULATIONS. THEREFORE, STAFF
4 RECOMMENDS THAT THE BOARD ADOPT PERMIT DECISION
5 NO. 97-94, APPROVING THE ISSUANCE OF MAJOR WASTE
6 TIRE FACILITY PERMIT NO. 50-TI-0180.

7 THE REPRESENTATIVE OF THE OPERATOR
8 TODAY IS PRESENT TO ANSWER QUESTIONS.

9 MR. ADAMS: MR. CHAIRMAN, IF I MAY ADD TO
10 MR. MICKA'S COMMENTS, WE ARE IN RECEIPT OF AN
11 ORIGINAL TRUST AGREEMENT FROM THE BANK. AND WE
12 HAVE VERIFIED THAT THERE IS \$200,000 ON DEPOSIT IN
13 THAT TRUST AT THIS TIME.

14 AND ALSO, I'D LIKE TO INTRODUCE
15 KEITH CAMBRIDGE OF THE ENFORCEMENT STAFF TO ANSWER
16 ANY OF THE QUESTIONS THAT THE BOARD MEMBERS MAY
17 HAVE REGARDING THE SITE INSPECTION OR ANYTHING
18 ELSE RELATED TO THAT.

19 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
20 QUESTIONS OF THE STAFF?

21 BOARD MEMBER CHESBRO: DO WE TYPICALLY
22 CONSIDER A TIRE PERMIT THAT'S BEEN IN-HOUSE FOR,
23 LIKE, TWO DAYS? IS THERE ANY PRECEDENT FOR THAT?

24 MR. CHANDLER: NO. AND AS I INDICATED
IN
25 MY REMARKS AT THE COMMITTEE MEETING, I WANTED

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1 CLARITY FROM THE BOARD AS TO WHETHER OR NOT THEY
2 WANTED TO SEE THIS PERMIT MOVE FROM COMMITTEE TO
3 THE BOARD ON THE TIME SCHEDULE THAT WE'RE
4 FOLLOWING. AND IT WAS DIRECTED TO STAFF THAT WE
5 PROCEED ON THE SCHEDULE. SO THE PERMIT IS BEFORE
6 YOU TODAY BECAUSE OF THE DIRECTION WE RECEIVED,
7 BUT, NO, MR. CHESBRO, IT'S NOT TRADITIONAL THAT WE
8 WOULD HAVE A PERMIT.

9 BOARD MEMBER CHESBRO: AND WHAT IS THE
10 TIME FRAME IN TERMS OF HOW LONG WE HAVE TO
11 CONSIDER THIS PERMIT?

12 MR. CHANDLER: I BELIEVE IT'S 180 DAYS.

13 CHAIRMAN PENNINGTON: I GUESS THAT RAISES
14 THE QUESTION: IS THERE -- IF WE FULLY UNDERSTAND
15 IT, ANY PROHIBITION TO MOVING IT THAT QUICKLY?

16 MR. CHANDLER: IS YOUR QUESTION DIRECTED
17 TO ME, MR. CHAIRMAN?

18 CHAIRMAN PENNINGTON: OR ANYBODY THAT
19 WANTS TO ANSWER IT, I GUESS.

20 MR. CHANDLER: I FELT AT THE TIME IN
21 ACCEPTING DIRECTION THERE WASN'T A PROHIBITION IN
22 MOVING IT FORWARD, SO THAT'S WHAT STAFF HAS
23 ATTEMPTED TO DO.

24 CHAIRMAN PENNINGTON: SO IF WE FEEL
25 COMFORTABLE WITH IT, WE CAN ACT ON IT?

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1 MR. CHANDLER: I ASSUME THAT'S CORRECT.

2 CHAIRMAN PENNINGTON: OKAY. ANY
3 QUESTIONS OF THE STAFF?

4 BOARD MEMBER JONES: I HAVE A QUESTION ON
5 ONE OF THE CONDITIONS. THIS THING HAS COME
6 FORWARD AND DEEMED INCOMPLETE FOUR TIMES AND SENT
7 BACK ONCE IN '96 OR THREE TIMES -- TWICE IN '96,
8 ONCE IN FEBRUARY OF '97. IS THAT PRETTY ACCURATE?

9 MR. MICKA: MR. JONES, ARE YOU TALKING
10 ABOUT THE OXFORD?

11 BOARD MEMBER JONES: IT SAYS MELP
12 SUBMITTED AN APPLICATION FOR A TIRE FACILITY
13 PERMIT TO THE BOARD IN '96 IN ACCORDANCE WITH
14 CALIFORNIA CODE. ON OCTOBER THE BOARD REJECTED
15 THE APPLICATION AS BEING INCOMPLETE. MELP
16 RESUBMITTED. SO THIS IS --

17 MR. MICKA: THAT'S CORRECT.

18 BOARD MEMBER JONES: SO THIS HAS COME
19 FORWARD THROUGH STAFF QUITE A FEW TIMES.

20 ON CONDITION 19 OF THE DRAFT PERMIT,
21 IT SAYS THAT THE PERMITTEE SHALL PREPARE A
22 FACILITY STATUS REPORT IDENTIFYING THE CURRENT
23 SIZE OF THE WASTE TIRE STOCKPILE. WE'RE TALKING
24 ABOUT THE STOCKPILE ON THEIR PERMITTED ONE-ACRE
25 SITE, CORRECT?

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1 MR. ADAMS: CORRECT.

2 BOARD MEMBER JONES: THE TIRE DELIVERY
3 SITE. AND THAT FINANCIAL ASSURANCES FOR THE
4 FACILITY REPORTED IN THE PROGRESS OF NEGOTIATIONS
5 WITH BOTH PG&E AND -- WITH PG&E FOR MELP'S
6 FORECASTED OPERATION. THAT'S GOING TO COME IN
7 FRONT OF THE BOARD IN AUGUST, AND THEN ANY TIME
8 AFTER THAT THAT P&E DETERMINES THAT IT NEEDS A
9 STATUS REPORT, THEY'RE WILLING, AS ONE OF THE
10 CONDITIONS OF THIS FACILITY, TO GIVE US A STATUS
11 REPORT.

12 MR. ADAMS: CORRECT. THE INTENT OF THIS
13 ITEM NO. 19 WAS TO BRING THE OPERATOR BACK 30
14 DAYS, ABOUT A MONTH BEFORE THE SEPTEMBER CLIFF
15 DATE THAT'S BEEN TALKED ABOUT AND REPORTING BACK
16 TO THE COMMITTEE AND THE BOARD AS TO WHAT THE
17 STATUS OF THAT NEGOTIATION IS WITH PG&E OR WHAT'S
18 THEIR ANTICIPATED -- EXPECTED LIFE OF THE SITE AND
19 ALSO ANYTHING THAT'S GOING ON THEIR -- REGARDING
20 THEIR FACILITY, THEIR PILE, AND ANY FINANCIAL
21 ASSURANCES, YOU KNOW, POSSIBLY LIKE TO SWITCH OR
22 RAISE THE PERMITTED CAPACITY TO HIGHER OR LOWER,
23 TO COME BACK. AND WE WANTED THAT IN HERE, MUCH
24 LIKE WE HAVE WITH ANOTHER FACILITY, WE REQUIRED
25 THEM TO COME BACK SIX MONTHS AFTER THE PERMIT WAS

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1 ISSUED IN ORDER TO ADDRESS THE BOARD AND COMMITTEE
2 AS TO THE STATUS OF THE FACILITY.

3 THE OPERATOR HAS BASICALLY AGREED
4 AND HAS RECOMMENDED THAT THEY WOULD LIKE TO COME
5 BACK AND REPORT BACK AS TO WHAT'S GOING ON.

6 BOARD MEMBER JONES: IF WE FOUND OTHER
7 PROBLEMS WITH THE FACILITY, LET'S SAY AN ONGOING
8 PROBLEM THAT WAS UNFORESEEN AT THIS TIME IF WE
9 ISSUE THAT PERMIT, COULD WE ADDRESS IT AT THAT
10 UPDATE? DO WE HAVE ANY -- DO WE HAVE ANY
11 FLEXIBILITY THERE AS FAR AS IF THEY WERE DEEMED
12 NOT IN COMPLIANCE ON A CERTAIN ISSUE, WOULD WE BE
13 ABLE TO ADDRESS IT DURING THIS PROCESS OR WHAT?

14 MS. TOBIAS: THAT'S REALLY -- I THINK YOU
15 ARE ASKING MORE ABOUT AN ENFORCEMENT PROBLEM AS
16 OPPOSED TO A PERMITTING PROBLEM. WHAT WOULD
17 HAPPEN IS IF THEY'RE OUT OF COMPLIANCE WITH THEIR
18 PERMIT, THEN THAT WOULD COME UP THROUGH THE
19 ENFORCEMENT PROCESS, AN INSPECTION, LETTER OF
20 VIOLATION, NOTICE AND ORDER, ETC., AND YOU CAN
21 HOLD A HEARING IF YOU NEEDED TO BASICALLY IF YOU
22 GOT AS FAR AS A CEASE AND DESIST OR SOMETHING
LIKE
23 THAT.

24 IF THEY WANT TO -- OBVIOUSLY IF
THEY

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25 WANT TO CHANGE A PERMIT CONDITION, THEY CAN COME

1 FORWARD AND AMEND IT. BOARD'S PROBABLY A LITTLE
2 BIT MORE CONSTRAINED IN TERMS OF CAUSING AN
3 AMENDMENT TO THE PERMIT ITSELF UNLESS WHAT WE DO
4 HAVE IN HERE IS THAT THE TERMS AND CONDITIONS OF
5 THE PERMIT MAY CHANGE AS A RESULT OF THE REVISION
6 OF OUR REGS OR STATUTES. SO IF SOMETHING CHANGES
7 WITH OUR GOVERNING AUTHORITY, YOU CAN GO BACK AND
8 CHANGE THE PERMIT.

9 YOU GENERALLY CANNOT PULL A PERMIT
10 UP JUST BECAUSE THE BOARD HAS DECIDED THAT THERE'S
11 SOMETHING ABOUT THE PERMIT THAT THEY DON'T LIKE
12 UNLESS YOU HAVE SOME KIND OF JUST CAUSE, SUCH AS A
13 VIOLATION OR SOMETHING LIKE THAT.

14 CHAIRMAN PENNINGTON: QUESTION. THERE IS
15 NO TIME LIMIT ON THIS PERMIT, CORRECT? IT'S GOOD
16 UNTIL WE FIND --

17 MR. ADAMS: IT'S A FIVE-YEAR PERMIT. FOR
18 WASTE TIRE FACILITIES IT'S FIVE YEARS.

19 CHAIRMAN PENNINGTON: OKAY. THE
20 WAREHOUSE OR THE MERCED LOCATION, IS THAT A
21 WAREHOUSE?

22 MR. ADAMS: CORRECT.

23 CHAIRMAN PENNINGTON: IS THAT THE SAME
24 WAREHOUSE THAT OXFORD'S GOING TO PUT ALL THEIR
25 TIRES INTO?

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1 MR. ADAMS: THAT'S A FACILITY THAT'S
2 CURRENTLY OPERATING UNDER AN EXCLUSION WITH THE
3 BOARD. THEY'VE BEEN OPERATING FOR THREE MONTHS OR
4 SO. I KNOW THAT THEY ARE RECEIVING TIRES FROM A
5 NUMBER OF DIFFERENT OPERATORS OUT THERE RIGHT NOW,
6 AND THAT PROCESS IS THAT THEY BRING THEM IN, BAGEL
7 THEM, SMASH THEM INTO LOGS, AND STORE THEM IN THE
8 WAREHOUSE UNTIL THE WAREHOUSE IS FULL, AND SHIP
9 THEM OUT TO -- WELL, THEY HAVEN'T FILLED THE
10 WAREHOUSE YET TO FIND OUT WHERE THEY'RE INEVITABLY
11 GOING TO GO, SO WE'RE WAITING TO SEE WHAT HAPPENS
12 WHEN THE WAREHOUSE IS FULL.

13 CHAIRMAN PENNINGTON: AND 4,000 TONS,
14 THAT'S 400,000 TIRES?

15 MR. ADAMS: ABOUT APPROXIMATELY 400,000
16 PASSENGER TIRES.

17 CHAIRMAN PENNINGTON: OKAY.

18 BOARD MEMBER FRAZEE: THIS IS THE FIRST
19 TIME THAT WE HAVE SEEN THE MAP OF THE FOOTPRINT OF
20 THE DELIVERY AREA. AND JUST LOOKING AT THE
21 CONFIGURATION OF THAT AND THE FACT THAT IT'S A
22 TOTAL OF ONE ACRE, REALIZING THAT YOU'RE GOING TO
23 HAVE TO HAVE OPERATING ROOM AND SEPARATION OF
24 TIRES, I'D LIKE TO KNOW HOW 4,000 TONS OF
TIRES
25 FIT IN ONE ACRE, KEEPING A ROAD SEPARATION

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FROM

1 THE BALANCE OF THE TIRES THAT ARE ON THE SITE
AND

2 PROVIDING ROAD ACCESS ALSO.

3 MR. ADAMS: ACTUALLY --

4 BOARD MEMBER FRAZEE: IS THAT
FEASIBLE?

5 MR. ADAMS: ACTUALLY I THINK THE
OPERATOR

6 WOULD BE BETTER SUITED TO ADDRESS HOW THEY CAN
DO

7 IT WITHIN THEIR FOOTPRINT OF THEIR PERMITTED

8 BOUNDARY. BUT CONDITION NO. 18 ALSO HELPS

9 DELINEATE PERMANENTLY THE BOUNDARY FOR
INSPECTIONS

10 OF THE SITE IN THE FUTURE. SO WHEN AN
INSPECTOR

11 GOES TO THE SITE, THERE WILL BE MARKERS IN THE

12 FACILITY TO SHOW WHERE THOSE ARE BECAUSE RIGHT
NOW

13 IT'S ON A MAP AND THE OPERATOR IS BEING
REQUIRED

14 TO MARK THAT PERMITTED AREA, SO THERE IS A

15 DISTINCTION BETWEEN THE TWO PILES AND ANY
OTHER

16 ACTIVITIES AROUND IT. BUT I THINK THE

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OPERATOR

17 CAN ADDRESS HOW THE STORAGE CAN BEST BE SUITED
TO

18 HANDLE THAT.

19 CHAIRMAN PENNINGTON: AT THE MOMENT
THE

20 CLOSURE PLAN IS FUNDED AT 200,000, SO THERE'S

21 VIRTUALLY \$43,770 THAT NEEDS TO BE PUT IN
THERE AT

22 SOME POINT.

23 MR. ADAMS: CORRECT.

24 BOARD MEMBER CHESBRO: CAN I ASK IF -

- IF

25 STAFF SAID WE SHOULD ASK THE OPERATOR HOW
THEY'RE

1 GOING TO DO IT, HOW IS STAFF CERTAIN THAT IT'S
2 POSSIBLE TO STORE THAT AMOUNT OF TIRES IN THAT
3 AMOUNT OF SPACE?

4 MR. ADAMS: WELL, THE OPERATOR IN THE
5 PAST -- CURRENTLY THERE ARE TIRES SITTING ON THERE
6 CURRENTLY. AND --

7 BOARD MEMBER CHESBRO: IS IT ANYWHERE
8 APPROACHING THIS VOLUME THAT'S GOING TO BE
9 PERMITTED? I'M SORRY I INTERRUPTED YOU. I SHOULD
10 HAVE LET YOU FINISH YOUR --

11 MR. CAMBRIDGE: MR. CHAIR, CHESBRO, MY
12 NAME IS KEITH CAMBRIDGE WITH THE ENFORCEMENT
13 BRANCH. YESTERDAY WHEN WE CONDUCTED THE
14 INSPECTION, THERE WAS APPROXIMATELY A HUNDRED
15 THOUSAND TIRES ON THE SO-CALLED PERMITTED AREA AT
16 THIS POINT IN TIME. THERE IS SOME OPEN SPACE
17 AVAILABLE. AGAIN, I THINK IT WOULD BE MORE
18 APPROPRIATE FOR THE OPERATOR TO STATE HOW THEY
19 WOULD STORE THEM. HOWEVER, THE FIRE DEPARTMENT,
20 BEING FAMILIAR WITH THE SITE, IS CONCERNED THAT HE
21 WANTS TO HAVE A FIRE BREAK FOR THE OTR PILE AND
22 THE MELP PILE.

23 BOARD MEMBER CHESBRO: WOULDN'T IT MAKE
24 SENSE FOR US TO DETERMINE THE FEASIBILITY OF
25 STACKING A PERMITTED QUANTITY ON THE AMOUNT OF

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1 SPACE THAT'S AVAILABLE?

2 MR. CAMBRIDGE: I WOULD AGREE.

3 CHAIRMAN PENNINGTON: MR. TOMEO.

4 MR. TOMEO: ED TOMEO FROM UNITED AMERICAN
5 ENERGY, UA ENERGY OPERATIONS CORP. ACTUALLY FOR
6 THE PURPOSE OF THE PERMIT, REPRESENTING MELP.

7 WITH REGARD TO THE AREA THAT HAS
8 BEEN PUT FORTH AS THE PERMIT AREA, BASICALLY IN
9 PAST THERE HAVE BEEN LARGE QUANTITIES OF TIRES.
10 WE THINK MAYBE EVEN AT ONE TIME EXCEEDING 500,000
11 IN THIS PARTICULAR AREA. WE DO HAVE ADEQUATE
12 SPACE TO OPERATE BASICALLY THE -- I DON'T HAVE A
13 COPY OF THE MAP, BUT THE LONGER SECTION ON YOUR
14 MAP REPRESENTS WHERE TIRES WILL BE. THE PART
15 JUTTING OUT FROM THAT REPRESENTS A ROAD AND THEN
16 OUR TIRE DELIVERY HOPPERS.

17 SO YOU CAN SEE THAT THE RECTANGULAR
18 AREA THAT JUTS OUT IS BASICALLY TIRE DELIVERY
19 HOPPERS, AND WE HAVE ADEQUATE SPACE TO OPERATE OUR
20 LOADERS IN THAT AREA. IN ORDER TO ACHIEVE THE 4
21 TO 500,000, BUT WE'RE NOT GOING TO EXCEED 400,000,
22 IN ORDER TO ACHIEVE THAT, WE ACTUALLY HAD TO BRING
23 IN CONVEYOR BELTS TO STACK THE TIRES A LITTLE BIT
24 HIGHER. IT'S AN AMOUNT THAT WE DON'T ANTICIPATE
25 TO REACH. OUR ACTUAL ANTICIPATED OPERATING VOLUME

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1 IS MORE LIKE 150 TO 200,000 TIRES.

2 I RECOGNIZE THAT MAYBE THESE NUMBERS
3 SOUND LARGE. THE TOTAL 400,000 TIRE VOLUME IS
4 JUST A HAIR OVER THREE WEEKS OF OPERATION FOR OUR
5 FACILITY. WHAT WE'RE ASKING THE PERMIT HERE IS
6 REALLY WHAT IS EXEMPTED FOR THE CEMENT INDUSTRY.
7 SO, YOU KNOW, IT'S VERY IMPORTANT FOR US TO GET
8 THIS AREA PERMITTED. CURRENTLY OUR OPERATION IS
9 TAKING PLACE BY ROLLING TIRES INTO THE BUCKET OF
10 OUR LOADERS OUT OF THE BACKS OF TRAILERS.

11 WE, AS A RESULT, ARE LIMITED IN
12 VOLUME AND SUFFERING A SIGNIFICANT ADDITIONAL COST
13 ON A MONTHLY BASIS. AND SO I APPRECIATED THE P&E
14 COMMITTEE MOVING THIS TO THE BOARD TODAY. IT WAS
15 WITH SENSITIVITY TO A DIFFICULT FINANCIAL
16 SITUATION IN THE FACE OF OUR OVERALL FINANCIAL
17 TROUBLES, INCLUDING WORKING WITH OTR, THAT THAT
18 WAS MOVED. AND WE CERTAINLY DO APPRECIATE THAT
19 AND ALSO STAFF'S EXPEDIENT DRAFTING. AND WE ARE
20 HAPPY WITH THE PERMIT AS THE WAY IT IS DRAFTED AND
21 HOPE THAT IT CAN GAIN APPROVAL TODAY SO THAT WE
22 CAN MOVE FORWARD WITH A MORE REASONABLE METHOD OF
23 HANDLING TIRES.

24 BOARD MEMBER RELIS: I'D LIKE TO OFFER A
25 PERSPECTIVE ON THIS AT THIS POINT. FIRST OF ALL,

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1 I ABSTAINED IN THIS MATTER MOVING FORWARD, AND I'D
2 LIKE TO STATE A COUPLE OF CONCERNS I HAVE. BUT
3 THE OVERARCHING CONCERN IS SINCE THIS IS OUR
4 PERMIT, THIS IS THE BOARD ISSUING A PERMIT, THIS
5 ISN'T A PERMIT COMING TO US, THERE'S ONE
6 OVERRIDING QUESTION I HAVE. AND IT IS HOW WOULD
7 THIS PERMIT, IF WE WERE TO ISSUE IT, CONTRIBUTE TO
8 THE REDUCTION OF THE TIRE PILE AND, THUS, THE
9 PROBLEM THAT WE HAVE WITH THIS ENTIRE MIX OF
10 PARTIES AND LEGACY AND THE PROBLEM? I'LL JUST
11 CALL IT THE PROBLEM.

12 NOW, GOING FROM THERE, THE PROPOSED
13 MELP PERMIT DOES NOT CONTAIN ANY SPECIFIC
14 REQUIREMENTS THAT I READ THAT WOULD REDUCE THE
15 TIRE PILE. SINCE THE ORIGINAL PURPOSE OF THE
16 GOVERNMENTAL SUPPORT OF THE PROJECT WHEN THIS --
17 I'M GOING BACK NOW TO WHEN THIS EVENT HAPPENED.
18 WHEN WE BROUGHT TIRES TOGETHER WITH AN
19 INCINERATOR, WE WERE GOING TO REDUCE OR ELIMINATE
20 THE PHILBIN TIRE PILE, WHICH IT WAS THEN CALLED.
21 THAT WAS THE OBJECTIVE OF THE STATE'S INTEREST AT
22 THAT POINT.

23 AND SO I WOULD ASK, AND I HAVE A
24 NUMBER OF QUESTIONS, IS THIS PERMIT BEFORE THE
25 BOARD IN AGREEMENT WITH THE INITIAL PERMITTING

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1 REQUIREMENTS, THE IDEA -- NOT THE CONCEPT, BUT THE
2 ACTUAL PROGRAM TO BURN DOWN THOSE TIRES WITH A
3 PILE AND A FACILITY?

4 WHAT ARE THE FISCAL AGREEMENTS WITH
5 CPCFA AND THE LENDER BANKS AND THE STATUS OF THE
6 DISCUSSIONS THAT WE HAD WITH THE ATTORNEY
7 GENERAL'S OFFICE?

8 IS THIS IN AGREEMENT WITH THE
9 BOARD'S GUIDANCE TO REDUCE THE PILE OVER A FIXED
10 PERIOD OF TIME?

11 AND WHAT IS THE RELATIONSHIP BETWEEN
12 THE PROPOSED PERMIT THAT WE WOULD GRANT AND THE
13 CURRENT DISCUSSIONS BY THE ENERGY COMMISSION OVER
14 WHAT PRIORITY, IF ANY, WOULD BE GIVEN IN THEIR
15 ADJUSTMENT TO BURNING THESE TIRES?

16 OTHER THAN AN INITIAL MEETING WITH
17 CPCFA, WHAT EFFORTS HAVE BEEN MADE TO GET THE
18 OTHER PRIMARY PLAYERS TO THE TABLE TO WORK OUT A
19 SOLUTION TO THE OXFORD/MELP ISSUES RELATING TO THE
20 TIRE PILE REDUCTION?

21 IF THIS PERMIT IS APPROVED, WHAT
22 INCENTIVE WILL MELP HAVE TO WORK TO REDUCE THE
23 TIRE PILE?

24 AS -- AT THE OCTOBER 23, 1996, BOARD
25 MEETING, MELP REFERRED TO A RESPONSIBILITY TO

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1 REDUCE THE PILE BY 2500 TONS BY VIRTUE OF A,
2 QUOTE, UNQUOTE, TIRE SERVICES AGREEMENT. WHAT IS
3 THIS AGREEMENT?

4 AND THEN FINALLY, WHAT IS THE STATUS
5 AND NATURE OF THE LITIGATION BETWEEN MELP AND PG&E
6 ON THE CLIFF DATE?

7 THOSE ARE THE QUESTIONS THAT I HAVE
8 THAT I THINK BEAR ON WHETHER WE CAN ISSUE A PERMIT
9 IN THIS TIME THAT FURTHERS THE BOARD OBJECTIVE OF
10 SOLVING THIS MAJOR PROBLEM FOR THE STATE OF
11 CALIFORNIA.

12 MR. CHANDLER: MR. RELIS, ARE YOU ASKING
13 THOSE QUESTIONS OF THE APPLICANT OR OF STAFF?

14 BOARD MEMBER RELIS: I'M ASKING THEM --
15 AT THIS POINT I HAVEN'T DIRECTED THEM TO
16 INDIVIDUALS. I COULD. BUT THEY'RE BROAD AND I
17 THINK THEY SPEAK TO MY CONCERN OVER WHETHER IT'S
18 POSSIBLE TO EVEN ANSWER THESE TODAY.

19 MR. CHANDLER: I THINK SOME OF YOUR
20 QUESTIONS ARE POSSIBLE. I THINK SOME OF THEM,
21 VERY APPROPRIATELY, YOU'RE RAISING A VERY
22 PERTINENT PUBLIC POLICY QUESTION, WHICH, AS I SEE
23 IT, IS THE APPLICATION AND THE BUSINESS BEFORE US
24 TODAY ONE IN WHICH WE SHOULD LOOK IN ISOLATION OF
25 THE MODESTO ENERGY FACILITY, I.E., THE FACILITY

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1 THAT IS BEFORE US TODAY, OR THE FACILITY THAT WAS,
2 FRANKLY, NOT MODESTO ENERGY, BUT A DIFFERENT
3 BUSINESS THAT WAS AT THAT TIME JOINED IN
4 PARTNERSHIP AS A SINGLE COMPANY AT THE TIME THAT
5 THE STATE HAD, AS YOU SAY, UNDERWRITING FINANCIAL
6 INTERESTS IN SEEING THAT PILE REDUCED SEVERAL,
7 SEVERAL YEARS AGO.

8 AND I KNOW FROM A STAFF PERSPECTIVE
9 WE HAVE NOT LOOKED AT A SEPARATE BUSINESS TODAY,
10 THE MODESTO ENERGY LIMITED PARTNERSHIP, IN CONTEXT
11 TO THE ENTITIES THAT EXISTED SEVERAL YEARS AGO
12 WHEN THEY WERE ONE COMPANY DESIGNED TO DEAL WITH
13 THE OXFORD PILE.

14 MODESTO ENERGY LIMITED PARTNERSHIP
15 DOES NOT HAVE AN INTEREST IN THE OXFORD PILE, THEY
16 DO NOT OWN THE PILE, AND THEY DON'T HAVE THE
17 RESPONSIBILITIES TO REDUCE THE TIRE PILE. NOW, I
18 KNOW FROM A PUBLIC POLICY PERSPECTIVE, WE MAY HAVE
19 SOME REAL CONCERNS OVER THAT.

20 BOARD MEMBER RELIS: I CAN'T SHRINK FROM
21 THE PUBLIC POLICY SIDE BECAUSE THIS IS A STATEWIDE
22 PROBLEM. THIS IS A FRUSTRATING MATTER THAT THIS
23 BOARD HAS SPENT UNTOLD TIME AND EFFORT DEALING
24 WITH. AND I'M AS FRUSTRATED AS CAN BE. I WANT A
25 SOLUTION TO THE PROBLEM, NOT TO THE PERMIT IN A

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1 NARROW, CONFINED SENSE.

2 AND I DON'T FEEL READY WITH WHAT I
3 HAVE BEFORE ME TO ACT ON THIS PERMIT WITHOUT
4 UNDERSTANDING WHERE WE'RE GOING, WITHIN WHAT TIME
5 FRAME, HOW MANY WEEKS, MONTHS. WHERE ARE WE GOING
6 TO BE WITH THE PROBLEM?

7 MR. TOMEO: MAY I TAKE A CRACK AT A
8 RESPONSE?

9 CHAIRMAN PENNINGTON: CERTAINLY.

10 MR. TOMEO: CERTAINLY THE INTENTION OF
11 THIS PERMIT WAS TO NOT HAVE AN OVERALL REACHING
12 SOLUTION TO THE PROBLEM. HOWEVER, GETTING TO YOUR
13 FIRST QUESTION, I THINK IT IS AN INTEGRAL
14 COMPONENT. BASICALLY IN ORDER FOR US TO CONTINUE
15 THE SERVICE OF CONSUMING SIX MILLION TIRES A YEAR,
16 WE NEED TO REMAIN OPERATING.

17 BOARD MEMBER RELIS: I UNDERSTAND.

18 MR. TOMEO: IN ORDER TO ACCOMPLISH THAT,
19 WE NEED TO BRIDGE SOME GAPS THAT HAVE BEEN CREATED
20 IN THE ECONOMICS OF THIS FACILITY AND FURTHER GAPS
21 THAT WILL COME ABOUT IN SEPTEMBER OF THIS YEAR.
22 THIS PERMIT, ALTHOUGH NOT A HUGE COMPONENT, IS AN
23 IMPORTANT COMPONENT AND, THUS, REDUCING COSTS AND
24 BECOMING A VIABLE FINANCIAL OPERATING FACILITY.
25 AND WITHOUT THIS APPROVAL, I DON'T

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1 BELIEVE THAT THERE'S ANY COMPONENT THAT IS FAVORED
2 THERE. IN OTHER WORDS, IT ONLY WORKS AGAINST A
3 SOLUTION IF WE DO NOT HAVE THIS APPROVAL AND I
4 THINK JUST WILL EXACERBATE THE PROBLEM.

5 WITH REGARD TO THE MULTIPLE OTHER
6 COMPONENTS YOU RAISED, THE MULTIPLE PARTIES OF
7 INTEREST HERE, FOR INSTANCE, THE CPCFA, FIRE
8 MARSHAL, ATTORNEY GENERAL, MANY OTHER PARTIES, WE
9 HAVE BEEN WILLING AND STILL STAND READY TO MEET
10 WITH THEM AND WITH THE BOARD TO WORK OUT A BROADER
11 SOLUTION.

12 BOARD MEMBER RELIS: BUT NOTHING IS
13 HAPPENING. THAT'S MY PROBLEM. THIS GROUP ISN'T
14 COMING TOGETHER, AND WE'RE NOT GETTING ANY
15 TRACTIONS HERE. WE'RE JUST TALKING ABOUT NOW A
16 NARROW PERMIT. WHAT YOU WANT IS YOUR PERMIT TO
17 OPERATE. I UNDERSTAND THAT. IT WILL IMPROVE YOUR
18 ECONOMICS. I DON'T SEE WHAT IT DOES FOR THE
19 OVERALL STATE INTEREST HERE RIGHT NOW TODAY,
20 ANYWAY. I MIGHT SEE IT QUICKLY IN A LITTLE LONGER
21 PERIOD OF TIME WHERE I CAN SORT THIS OUT.

22 MR. GRECO: I'M JOE GRECO, GENERAL
23 MANAGER OF THE FACILITY. TO ADDRESS THAT ISSUE,
24 LOOKING AT IT FROM A BIG PICTURE PERSPECTIVE, THE
25 ISSUE IS VIABILITY OF MELP, THAT WE ARE A BIG PART

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1 IN THE OVERALL TIRE SOLUTION. WE ALSO HAVE BEEN A
2 VERY ACTIVE PART IN AB 375 WITH ASSEMBLYMAN
3 FIRESTONE. WE ARE ACTIVE IN TRYING TO SOLVE NOT
4 JUST MELP'S PROBLEM, BUT THE STATE'S PROBLEM AS
5 WELL.

6 SO I WANT YOU TO UNDERSTAND THAT
7 GETTING THIS PERMIT ALLOWS US TO FOCUS ON THE
8 BIGGER PICTURE. EXCUSE ME. WHAT WE'RE TRYING TO
9 DO HERE IS TAKING -- LOOKING AT THE PIE, WE'RE
10 TRYING TO TAKE A PIECE AT A TIME. AND IN ORDER
11 TO
12 OPERATE PER THE GUIDELINES OF THE REGULATIONS,
13 WHETHER WE'RE TAKING TIRES OFF THE PILE OR TAKING
14 TRANSIENT TIRES, TECHNICALLY WE ARE SUPPOSED TO
15 BE
16 A PERMITTED FACILITY. ALTHOUGH WE'VE BEEN
17 WORKING
18 AND TAKING TIRES OFF THE PILE, TO RECEIVE THAT
19 ABILITY TO DO SO UNDERSTAND THE REGULATIONS OF
20 THE
21 LAW, WHICH OUR PARENT COMPANY, UNITED AMERICAN
22 ENERGY, IS VERY, VERY CONCERNED ABOUT IN BEING IN
23 REGULATORY COMPLIANCE, THIS IS A STEP TOWARDS
24 ACHIEVING OVERALL REGULATORY COMPLIANCE. AND WE
25 DO NEED THAT PERMIT. THANK YOU.

26 CHAIRMAN PENNINGTON: WHAT IS THE

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ONGOING

23 STATUS OF YOUR RELATIONSHIP WITH OXFORD AT THIS

24 POINT, OTR?

25 MR. TOMEQ: BASICALLY THERE IS STILL A

1 TIRE AGREEMENT IN PLACE; HOWEVER, WE DO NOT
2 RECEIVE PAYMENT UNDER THAT TIRE SUPPLY AGREEMENT.

3 CHAIRMAN PENNINGTON: ARE YOU PRESENTLY
4 TAKING TIRES OFF THE PILE?

5 MR. TOMEO: RIGHT. AND WE HAVE RIGHTS TO
6 TAKE TIRES OFF THE PILE UNDER THE TERMS OF THAT
7 AGREEMENT.

8 CHAIRMAN PENNINGTON: HOW MANY TIRES ARE
9 YOU TAKING OFF THE PILE NOW?

10 MR. TOMEO: HOW MANY TIRES HAVE WE TAKEN
11 OFF?

12 CHAIRMAN PENNINGTON: NO. ARE YOU EVERY
13 DAY TAKING OFF NOW.

14 MR. TOMEO: WE CONSUME 500,000 TIRES A
15 MONTH. I BELIEVE PROBABLY -- I CAN CHECK WITH
16 JOE -- PROBABLY MORE THAN 400,000.

17 MR. GRECO: IT'S IN THAT RANGE.

18 CHAIRMAN PENNINGTON: THREE OR 400 A
19 MONTH?

20 MR. TOMEO: THREE TO 400,000 A MONTH. WE
21 ALSO KNOW THAT --

22 MR. GRECO: BEARING IN MIND THAT TIRES
23 ARE BEING DELIVERED TO THE --

24 MR. TOMEO: WE ALSO KNOW THAT OXFORD'S
25 REDUCTION OF THIS PILE FOR THE YEAR IS SOMEWHERE

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1 ON THAT ORDER OF MAGNITUDE OF LESS THAN 500,000
2 TONS, I BELIEVE. SO THE AMOUNT OF REDUCTION THAT
3 WE CAN ACCOMPLISH IN A WEEK WOULD -- I'M SORRY --
4 IN A MONTH WOULD REPRESENT THE TOTAL REDUCTION
5 THEY'VE ACCOMPLISHED IN A YEAR.

6 SO THERE ARE PLENTY OF TIRES COMING
7 IN FROM THE ROAD ON A DAILY BASIS AND BEING
ROLLED

8 ONTO THAT PILE. SO IF YOU ARE ASKING WHAT CAN BE
9 DONE TO REDUCE THE SIZE OF THAT TIRE PILE, I
THINK

10 THE SECRET IS TO STOP THE TIRES FLOWING IN. AND
11 WE CONTINUE TO, AT A SIGNIFICANT FINANCIAL
12 DEFICIT, TAKE THE TIRES OFF.

13 BOARD MEMBER RELIS: THAT WILL BE BEFORE
14 US, I UNDERSTAND, THAT ISSUE, WHAT, APRIL 1ST
15 STAFF GOES OUT, DOES THE FINAL?

16 MR. CHANDLER: APRIL 1ST IS THE DATE IN
17 WHICH THEY SHOULD BE SUBMITTING A QUANTIFICATION
18 OF THE TIRE PILE REDUCTION. WE WOULD BRING THAT
19 THROUGH COMMITTEE AND THEN TO THE BOARD IN APRIL
20 WITH THE STAFF'S CONCLUSIONS AROUND THE ACCURACY
21 AND THE ANALYSIS.

22 BOARD MEMBER RELIS: THAT WILL BE READY
23 BY APRIL?

24 MR. CHANDLER: CORRECT.

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25

MR. TOMEIO: I 'M SORRY. I WANT TO

1 CLARIFY. THE REDUCTION REQUIREMENT WAS 7500 TONS
2 OR 750,000 TIRES. OUR COUNTS RECENTLY SHOW THAT
3 THEY'LL FALL SHORT OF THAT REDUCTION REQUIREMENT,
4 SO THAT REPRESENTS A MONTH AND A HALF OF
5 CONSUMPTION.

6 CHAIRMAN PENNINGTON: WHAT IF WE
7 TEMPORARILY PERMITTED YOU?

8 MR. TOMEO: THAT'S A LOT BETTER THAN NOT
9 HAVING A PERMIT. REALLY, I GUESS, TO SOME DEGREE,
10 WE FELT IT WAS A TEMPORARY PERMIT OR A LIVING
11 PERMIT IN THE SENSE THAT WE'LL BE BACK TO TALK
12 WITH YOU IN AUGUST AND CONTINUE TO APPROACH THIS
13 WITH AN ATTITUDE OF WE'RE LOOKING TO WORK WITH THE
14 BOARD, WE'RE LOOKING TO COME UP WITH THE BIG
15 SOLUTION TO THE TIRE PROBLEM HERE IN CALIFORNIA.
16 AS JOE MENTIONED, WE'RE NOT EVEN KEEPING IT AT THE
17 DIMENSION OF THE MELP FACILITY. AND I THINK WE
18 HAVE BEEN COOPERATIVE ALL ALONG AND WE'LL CONTINUE
19 TO BE. SO --

20 CHAIRMAN PENNINGTON: WHAT -- HOW MANY --
21 IF WE PERMITTED YOU, WOULD YOU STOP TAKING THEM
22 OFF THE PILE?

23 MR. TOMEO: ONLY TO THE EXTENT THAT I
24 HAVE SOME COMING IN FROM THE ROAD. I DO NOT HAVE
25 MY FULL REQUIREMENTS BY ANY STRETCH OF THE

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1 IMAGINATION. BUT IF I CAN GET PAYMENT FOR SOME
2 TIRES OFF THE ROAD, THAT HELPS IMPROVE MY \$700,000
3 DEFICIT THAT I'M SUFFERING RIGHT NOW FROM OTR.

4 CHAIRMAN PENNINGTON: SO WHAT IF OUR
5 TEMPORARY PERMIT SPECIFIED A PERCENTAGE THAT HAD
6 TO COME OFF THE PILE? CAN YOU MEET THAT?

7 MR. TOMEO: I THINK IT WOULD BE DIFFICULT
8 TO CRAFT THAT. WE TAKE TIRES FROM THE PILE
9 BECAUSE WE HAVE A RIGHT TO THEM. I'M NOT SURE HOW
10 WE WOULD WORK OUT THE LEGAL LANGUAGE TO HAVE A
11 TIRE REDUCTION OBLIGATION FROM A PARTY THAT
12 DOESN'T PAY US FOR THE TIRES, SO THEY'RE IN
13 VIOLATION OF THEIR CONTRACT.

14 CHAIRMAN PENNINGTON: BUT YOU'RE TAKING
15 THEM FROM THEM NOW. SO I MEAN WHAT I'M GETTING AT
16 IS IF WE GAVE YOU A 90-DAY PERMIT AND REQUIRED
17 THAT YOU TAKE 40 PERCENT OF THE TIRES OFF THE PILE
18 SO THAT WE'RE AT LEAST GETTING SOME REDUCTION
19 THERE OR SOMETHING OR AT LEAST STOPPING IT FROM
20 CONTINUING TO BUILD.

21 MR. TOMEO: I'D FEEL BETTER ABOUT IT IF I
22 KNEW THE TIRES COMING INTO THE PILE WERE STOPPED.

23 CHAIRMAN PENNINGTON: I WOULD TOO. I CAN
24 ASSURE THAT I'D LOVE TO SEE NOTHING BUT THOSE
25 TIRES GOING UP YOUR RAMP AND NOTHING ELSE. BUT

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1 SHORT OF -- AT THIS POINT IT DOESN'T SEEM TO BE
2 POSSIBLE THAT -- THAT -- YOU KNOW, I DON'T THINK
3 WE'RE HERE TO PUT ANYBODY OUT OF BUSINESS IF WE
4 CAN HELP THAT.

5 I AGREE WITH MR. RELIS AND I'M SURE
6 THE REST OF THE BOARD THAT WE'RE EXTREMELY
7 CONCERNED ABOUT THAT PILE AND THAT IT NEEDS TO BE
8 BROUGHT DOWN. AND I'M AWARE THAT TODAY IT MAY NOT
9 BE YOUR OBLIGATION, BUT WHEN THAT PLANT WAS BUILT
10 AND THAT WAS THE IDEA THAT THAT PLANT WAS BUILT
11 FOR AND PERMITTED AND ALLOWED TO BE THERE. SO I
12 DON'T KNOW. MORE QUESTIONS, BUT I'D BE PREPARED
13 TO MOVE A MOTION THAT WOULD GIVE THEM A 90-DAY
14 PERMIT THAT WILL REQUIRE THAT THEY CONTINUE TO
15 TAKE AT LEAST 40 PERCENT OF THEIR FUEL FROM THE
16 PILE.

17 MR. ADAMS: MR. CHAIRMAN, I DON'T KNOW IF
18 THIS HELPS PERSPECTIVE AT ALL OR HURTS. CURRENTLY
19 THEY BURN ABOUT 15 TO 17,000 TIRES A DAY ON THE
20 PILE. MR. TOMEO CAN CORRECT ME IF I'M INACCURATE
21 HERE. AND IT'S MY UNDERSTANDING THAT THEY'RE
22 BRINGING IN ABOUT 3,000 TO 3500 FROM AN OUTSIDE
23 HAULER. SO BASIC MATH, THAT'S PROBABLY ABOUT 20
24 PERCENT OFF THE STREET RIGHT NOW, AND THEN THE
25 REMAINING 80 PERCENT IS COMING OFF THE PILE AS IT

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1 CURRENTLY STANDS AT THIS MOMENT.

2 MR. TOMEO: THAT'S ABOUT RIGHT. PART OF
3 OUR PROCESS OR WHAT WE'RE TRYING TO DO IS WHEN YOU
4 LOOK AT 500,000 TIRES A MONTH, OXFORD IS SUPPOSED
5 TO BE OFFERING US 16 CENTS A TIRE, SO THAT'S
6 \$90,000 A MONTH WE DON'T RECEIVE IN REVENUE. WE
7 ARE CURRENTLY TALKING WITH OTHER PEOPLE AND
8 FINDING THAT WE CAN GET ACTUALLY SIGNIFICANTLY
9 HIGHER FEE.

10 BUT WE DON'T SEE QUANTITIES OF THAT
11 REPRESENT ANYWHERE NEAR OUR HUNDRED PERCENT NEEDS
12 RIGHT NOW. HOWEVER, THERE'S APPREHENSION IN THE
13 BUSINESS COMMUNITY OVER BRINGING TIRES, AND
14 PHYSICALLY I'M LIMITED IN BEING ABLE TO HANDLE
15 THEM RIGHT NOW.

16 I THINK THE IDEA OF A TEMPORARY
17 PERMIT IS FINE, ALTHOUGH WHAT I'VE BEEN SITTING
18 HERE THINKING ABOUT IS WHETHER OR NOT I HAVE THE
19 ABILITY TO ATTRACT TIRE SUPPLIERS OR NOT. THREE
20 MONTHS IS NOT A VERY LONG PERIOD OF TIME. WE HAVE
21 WORKED WITH OTHER PARTIES AND HAD THEM AT LEAST
22 RECOGNIZE THAT OUR SEPTEMBER PG&E PAYMENT CHANGE
23 DATE IS AN UNCERTAINTY AND, THEREFORE, HAVE STRUCK
24 CONTRACTS THAT SAY, YOU KNOW, WE'LL GO WITH YOU
25 THAT FAR AND REVISIT WHAT HAPPENS. SO I WOULD

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1 APPRECIATE A LONGER PERIOD OF TIME THAN THE 90
2 DAYS IF THAT WOULD WORK.

3 WITH REGARD TO 40 PERCENT OFF OF THE
4 PILE, NOT HAVING RUN NUMBERS, I'LL TAKE A RISK AND
5 SAY THAT WE CAN PROBABLY LIVE WITH THAT. HOWEVER,
6 IF YOU WANT TO -- JUST SO I UNDERSTAND THAT YOU'RE
7 PARTICIPATING WITH US IN THIS PROCESS, AT THE TIME
8 OF THE END OF THIS TERM, IF WE CAN RECOGNIZE THAT
9 TAKING TIRES FOR FREE IS NOT A FORMULA THAT
10 PROVIDES ECONOMIC SENSE OR ECONOMIC SUCCESS AFTER
11 THE PG&E CLIFF, BASICALLY I HAVE TO BE PAID FOR
12 EVERY SINGLE TIRE COMING IN THE DOOR.

13 AND ALSO, JUST TO REMIND THE BOARD,
14 WE DID HAVE A DRAFT PROPOSAL IN FRONT OF THE BOARD
15 FOR MONTHS NOW, AND, IN FACT, THAT WAS PART OF THE
16 REASON FOR THE DELAY OF THIS PERMITTING PROCESS
17 BECAUSE WE HAD ANTICIPATED THAT MAYBE THERE WAS
18 GOING TO BE A CHANGE IN RELATIONSHIP WITH THE
19 BOARD AND OTR AND THAT WE MAY PROVIDE A SERVICE OF
20 TAKING TIRES OFF THAT PILE FOR 16 CENTS APIECE
21 BECAUSE IT'S ACTUALLY ALLOWED UNDER THE TIRE
22 SERVICES AGREEMENT WITH OTR. THAT HAS NEVER COME
23 TO PASS, BUT TO SPEAK TO MR. RELIS' CONCERNS, THAT
24 IS AT LEAST ONE AVENUE THAT WE DO HAVE IN FRONT OF
25 US IN WORKING TOGETHER TO REDUCE THIS TIRE PILE.

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1 CHAIRMAN PENNINGTON: MY POSITION IS THAT
2 I WANT TO SEE WHAT THE OTR PERMIT IS LIKE WHEN
3 IT'S DUE TO BE REVIEWED NEXT MONTH. I DO NOT WANT
4 TO SIT HERE AND DO NOTHING FOR THE NEXT SIX
5 MONTHS, EIGHT MONTHS AND WAIT FOR SOMETHING TO
6 HAPPEN, BUT I DO THINK THAT WE ALSO WANT TO KEEP
7 YOU FUNCTIONING.

8 SO I WOULD LOOK AT SOME SORT OF, IF
9 YOU WILL, QUICK FIX TO AT LEAST GET US THROUGH TO
10 THE POINT WHERE WE CAN LOOK AT THE PERMIT, THE OTR
11 PERMIT. AND I HAVEN'T DISCUSSED ANY OF THIS WITH
12 ANY OF MY FELLOW BOARD MEMBERS, SO THERE MAY NOT
13 BE ANY FEELING AT ALL FOR IT. IN FACT, I HAVEN'T
14 HEARD ANYBODY RUSHING TO SECOND MY MOTION THAT I
15 HAVEN'T REALLY PUT FORWARD YET.

16 BOARD MEMBER JONES: WHAT WAS THE
17 PERCENTAGE THAT YOU TALKED ABOUT?

18 CHAIRMAN PENNINGTON: I SAID 40 PERCENT.

19 BOARD MEMBER CHESBRO: DID I UNDERSTAND
20 STAFF TO SAY THAT CURRENTLY ONLY 20 PERCENT IS
21 COMING FROM ELSEWHERE? SO CURRENTLY PRESUMABLY
22 THEY'RE AT 80 PERCENT.

23 MR. TOMEO: I'M SORRY. I WAS GETTING
24 SOME FEEDBACK.

25 BOARD MEMBER CHESBRO: I'M ASKING STAFF

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1 TO CONFIRM THAT THEIR ESTIMATE THAT 20 PERCENT IS
2 COMING FROM OFF-SITE NOW AS OPPOSED TO FROM THE
3 PILE.

4 MR. ADAMS: AS INFORMATION IS PROVIDED BY
5 THE MAN STANDING AT THE PODIUM AND OTHERS FOR
6 WHAT'S GOING ON AT THAT FACILITY AND WITH THE
7 HAULER THAT'S BEEN HAULING TO THE MELP FACILITY,
8 THAT THEY'RE BRINGING IN ABOUT 3,000 TO 3500 TIRES
9 A DAY, AND THEY BURN ABOUT, YOU KNOW, DEPENDING ON
10 WHICH DAY IT IS, 15 TO 17,000, IN THAT RANGE, AND
11 THAT'S, YOU KNOW, BALLPARKISH AROUND 20 PERCENT.

12 BOARD MEMBER CHESBRO: SO IF 80 PERCENT
13 IS COMING OFF THE PILE NOW, THEN THIS MOTION --
14 POTENTIAL MOTION WOULD ONLY GIVE US A FLOOR ABOUT
15 HOW FAR THEY'RE GOING TO DROP THE NUMBER THAT
16 THEY'RE TAKING OFF THE PILE. I'M KIND OF
17 CONFUSED.

18 MR. TOMEO: I'LL MAYBE HELP YOU OUT WITH
19 THAT. FIRST, THAT IS CORRECT, GARTH'S OBSERVATION
20 OF ABOUT 20 PERCENT COMING IN FROM THE OUTSIDE IS
21 CORRECT. WE ARE ALSO IN ADVANCE STAGES OF
22 NEGOTIATIONS WITH OTHER TIRE SUPPLIERS TO INCREASE
23 THAT NUMBER. BUT I THINK IF YOU TAKE THE FLIP
24 SIDE, AND IF WE DID GET IN A RELATIONSHIP WHERE
25 THE INTEGRATED WASTE MANAGEMENT BOARD WERE PAYING

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1 REMEDIATION, FOR INSTANCE, CONSISTENT WITH THE
2 PROPOSAL WE OFFERED MONTHS AGO, YOU PROBABLY WOULD
3 NOT WANT TO HAVE A FLOW GREATER THAN 40 PERCENT
4 BECAUSE OF THE ECONOMIC DEMANDS IT PUTS ON YOUR
5 BUDGET. IT IS A LONG-TERM PROBLEM.

6 BOARD MEMBER CHESBRO: EITHER WAY YOU'RE
7 TALKING ABOUT DRAMATICALLY REDUCING THE PERCENTAGE
8 THAT'S COMING OFF THE PILE FROM THE 80 PERCENT.

9 MR. TOMEO: THAT'S TRUE. THAT'S TRUE.
10 BUT WE WILL -- WE NEED THE MONEY FOR THE
11 ECONOMICS. WE ARE GOING TO BE FORCED TO GO OUT
12 AND GET TIRES ONE WAY OR ANOTHER FROM PAYING
13 CUSTOMERS, SO THIS 80 PERCENT IS JUST A
14 TRANSITIONAL CIRCUMSTANCE.

15 CHAIRMAN PENNINGTON: IF WE -- IF WE
16 DON'T PERMIT THEM, THEN WE GIVE, IT SEEMS TO ME,
17 WE GIVE OTR A HUGE ADVANTAGE IN GETTING RID OF A
18 LIABILITY THAT THEY'RE NOT PAYING TO GET RID OF AT
19 THIS POINT. AND, YOU KNOW, SO I WANT TO TRY TO
20 KEEP IT BALANCED THE BEST WE CAN.

21 MR. TOMEO: I APPRECIATE THAT. IT'S A
22 GOOD OBSERVATION. OTR WOULD CERTAINLY NOT BE
23 ANYWHERE NEAR THE REDUCTION REQUIREMENTS IF WE
24 JUST SAID, "OKAY. WE'RE SHUTTING DOWN BECAUSE YOU
25 ARE NOT PAYING US FOR THE TIRES," OR IF WE WENT

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1 OUT AND WENT FOR OTHER SOURCES ENTIRELY.

2 MAYBE NOT ALL THE BOARD MEMBERS
3 RECOGNIZE ONE OF THE REASONS WE HELD UP ON GOING
4 TO OUTSIDE VENDORS IS WE HAD MADE AN OFFER TO WORK
5 WITH YOU IN REDUCING THAT PILE. VERY CLEARLY
6 EXPRESSED OUR DISCUSSIONS WITH MR. CHANDLER IN
7 THIS, RATHER THAT WE ARE HOLDING OFF IN ORDER TO
8 GIVE THE BOARD THE ABILITY TO WORK AND TO START
9 HAVING US REDUCE THAT TIRE PILE FOR THEM.

10 I UNDERSTAND THE PROCESS AND HOW
11 YOUR HANDS ARE SOMEWHAT TIED WITH THE OTR PERMIT.
12 BUT COMPROMISING OUR ABILITY TO BRING IN TIRES
13 FROM THE COUNTIES IS A JOKE THAT IS TAKING PLACE
14 ALL BY OTR, WHICH IS FREERIDE TIRES FROM THE
15 OUTSIDE. ANY OPPORTUNITY TO MEET A REDUCTION
16 OBLIGATION AND HELP US STAY IN OPERATION AND THEN,
17 THEREFORE, WE SHOULD BE AVAILABLE TO ULTIMATELY
18 TAKE CARE OF THAT PILE FOR YOU, BUT RIGHT NOW
19 WE'VE GOT A CONTRACT PARTY THAT DOESN'T PLAY
20 STRAIGHT, AND I HOPE YOU RECOGNIZE THAT.

21 CHAIRMAN PENNINGTON: WITH THAT IN MIND,
22 I WILL MAKE THE MOTION THAT WE GRANT A PERMIT FOR
23 90 DAYS WITH A STIPULATION THAT THEY WILL TAKE OFF
24 THE TIRE PILE SOMEWHERE BETWEEN 40 AND 60 PERCENT.
25 MR. TOMEO: MAY I SUGGEST THAT MAYBE YOU

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1 CAP THE MAXIMUM WE CAN BRING FROM THE OUTSIDE
2 WORLD SO THAT WE DON'T GET INTO THE CONTRACTUAL
3 OBLIGATION OF THE OTHER PARTY? IN OTHER WORDS, WE
4 CAN'T BRING IN MORE THAN 60 PERCENT OF OUR NEEDS
5 FROM THE OUTSIDE I THINK IS A SAFER APPROACH.

6 CHAIRMAN PENNINGTON: THAT'S FINE.

7 MR. CHANDLER: MR. CHAIRMAN, I HATE TO BE
8 THE BEARER OF BAD NEWS, BUT THE STATUTES AND THE
9 REGULATIONS ALLOW FOR A FIVE-YEAR PERMIT. THERE
10 IS NOTHING THAT I SEE THAT GIVES THIS BOARD THE
11 AUTHORITY ON A LANDFILL PERMIT OR A TRANSFER
12 STATION PERMIT TO SIMPLY SAY WE ARE GOING TO ISSUE
13 THIS PERMIT.

14 NOW, THERE IS, I THINK, SOME ROOM,
15 IF WE WANT TO KEEP THE DIALOGUE GOING ON THIS
16 POINT, I THINK THE CONDITION YOU ARE TRYING TO
17 MAKE, THAT MAYBE WE CAN ISSUE THE PERMIT WITH
18 CONDITIONS THAT THE PERMITHOLDER COME BACK AND IN
19 60, 90, 120 DAYS FOR WHATEVER TYPE OF REVIEW THIS
20 BOARD MAY WANT TO TAKE. BUT I'M AFRAID, AS WE
21 REVIEW THE REGULATIONS AND THE STATUTE, IT SAYS
22 "THE BOARD IN ISSUING THE PERMIT IS TO ISSUE A
23 PERMIT FOR THE DURATION OF FIVE YEARS. AND I
24 THINK WE COULD BE PERHAPS NOT QUITE ON GOOD
25 STANDING TO JUST ASSUME WE HAVE THE AUTHORITY TO

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1 ISSUE A 90-DAY PERMIT HERE.

2 COUNSEL, IF YOU HAVE ANYTHING TO
3 ADD. SO IS THERE AN OPPORTUNITY TO CONDITION --
4 THIS IS JUST A PROPOSED MOTION, I UNDERSTAND, BUT
5 IS THERE AN OPPORTUNITY TO CONDITION THE PERMIT
6 SUCH THAT THE BOARD COULD HAVE IT BACK BEFORE IT
7 IN 90 DAYS?

8 CHAIRMAN PENNINGTON: WE COULD DO THAT,
9 BUT I GUESS WHY I WANT TO MAKE IT A SHORT-TERM
10 THING IS BECAUSE WE DON'T KNOW WHAT THE SITUATION
11 IS WITH OTR. AND IF WE WANT TO -- IF NEXT MONTH
12 WE FIND THAT IT IS SOMETHING DIFFERENT THAN IT IS
13 TODAY, WE'VE GIVEN THEM A PERMIT THAT ALLOWS THEM
14 TO GO AND NOT HAVE TO TAKE THE TIRES FROM OTR,
15 EVEN IF SOMEBODY ELSE HAS COME ALONG WITH THE
16 ABILITY TO PAY THEM AT A LOWER RATE, BUT THEY MAY
17 BE BRINGING THEM IN AT A HIGHER RATE. I MEAN JUST
18 IF THERE'S SOME WAY THAT WE CAN TERMINATE THE
19 PERMIT, THEN THAT'S FINE. BUT AS LONG AS THEY
20 THEN ARE ONLY TAKING 60 PERCENT OF THEIR TIRES
21 FROM OUTSIDE, THEY'RE IN COMPLIANCE WITH THE
22 PERMIT.

23 BOARD MEMBER RELIS: MR. CHAIR, I THINK
24 YOU'VE RAISED A VERY IMPORTANT, RELEVANT POINT.
25 IT SEEMS THAT WHAT WE'RE TRYING TO DO HERE IN A

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1 SHORT PERIOD OF TIME, MAYBE TOO SHORT, IS COME UP
2 WITH THE CONDITIONS THAT WE COULD LIVE WITH,
3 WHETHER IT'S SHORT OR LONG. I MEAN I THINK WHAT
4 WE'RE LOOKING FOR ARE CERTAIN CONDITIONS, WHETHER
5 THE OXFORD THING STAYS THE SAME WAY OR NOT, THAT
6 WILL TAKE THE BOARD IN THE DIRECTION WITH THE
7 PERMITTEE THAT IT WANTS TO GO. AND I'M FEARFUL
8 THAT WE CAN'T WRITE THOSE CONDITIONS HERE TODAY,
9 CERTAINLY NOT FOR A FIVE-YEAR PERMIT. WE MIGHT BE
10 ABLE TO WITHIN A MONTH. THAT'S MY TAKE.

11 CHAIRMAN PENNINGTON: MR. LARSON WANTED
12 TO ADDRESS US CONCERNING THIS ISSUE.

13 MR. LARSON: MR. CHAIRMAN, MEMBERS,
14 GEORGE LARSON. I'M SPEAKING HERE ON BEHALF OF
15 LAKIN TIRE. DIDN'T PLAN TO SPEAK, BUT I THINK
16 IT'S GERMANE TO THE CONVERSATION AS IT HAS
17 UNFOLDED ON THIS ISSUE.

18 LAKIN, AS YOU'RE WELL AWARE, MANY OF
19 YOU HAVE HAD AN OPPORTUNITY TO SEE THEIR FACILITY
20 AND KNOW HOW THEY OPERATE, HANDLE ABOUT EIGHT
21 MILLION TIRES A YEAR, HAVE BEEN IN BUSINESS 30
22 YEARS, AND NEVER PUT A TIRE ON THE GROUND, AND
23 HAVE BEEN SUCCESSFUL AT STAYING IN BUSINESS AND
24 MAKING A REASONABLE PROFIT.

25 AND LAKIN HAS ALSO A VERY STRONG

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1 INTEREST IN MAKING SURE THAT IN TERMS OF OVERALL
2 POLICY THAT THE STATE MAKES THE RIGHT DECISIONS IN
3 THE FUTURE OF MANAGEMENT OF THE ENTIRE WASTE TIRE
4 PROBLEM BECAUSE ANY PROBLEMS THAT ARE RELATED WITH
5 ANY SEGMENT OF THE MANAGEMENT OF THIS ISSUE HAVE
6 DIRECT AND INDIRECT IMPACTS ON HOW LAKIN TRIES TO
7 DO IT CORRECTLY.

8 WE ARE A TIRE SUPPLIER UNDER
9 CONTRACT TO PROVIDE TIRES TO THE MELP FACILITY.
10 AND THE IDEA OF HAVING A 90-DAY PERMIT IS NOT ONE
11 THAT'S REAL ATTRACTIVE TO LAKIN BECAUSE LAKIN IS
12 LOOKING FOR LONG-TERM AND CONSTRUCTIVE AND
13 BENEFICIAL HOMES FOR THE TIRES THAT THEY HANDLE.

14 RECENTLY HAVE ESTABLISHED A NORTHERN
15 CALIFORNIA FACILITY. AS YOU MAY BE AWARE, THEIR
16 SOLE FACILITY PRIOR TO THAT WAS IN SANTA FE
17 SPRINGS. SO I ONLY OFFER SOME INPUT HERE ON
18 BEHALF OF A TIRE SUPPLIER. WE HAPPEN TO BE ONE OF
19 THOSE PEOPLE WHO PAY. WE ARE VERY PLEASED TO PAY
20 TO BRING OUR TIRES. IT'S NOTHING BEING ASKED FOR
21 FREE HERE.

22 LAKIN DOESN'T PUT ANY TIRES ON THAT
23 PILE. MELP DOESN'T PUT ANY TIRES ON THAT PILE.
24 WHO PUTS THE TIRES ON THAT PILE MIGHT BE THE
25 PROBLEM. TO MAKE CONDITIONS THAT ARE NOT

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1 ECONOMICALLY BENEFICIAL FOR THIS COMPANY, YOU
2 KNOW, DON'T MAKE SENSE TO ME RIGHT NOW.

3 BUT ANYWAY, I THINK THERE'S GOT TO
4 BE A LONG-TERM SOLUTION, MR. RELIS, YOU ARE
5 CORRECT, BUT THERE'S A BIG ENOUGH PROBLEM
6 CONFRONTING THIS FACILITY IN SEPTEMBER REGARDING
7 ECONOMICS OF ITS OPERATION TO PRECLUDE THE ABILITY
8 FOR MY COMPANY TO BE ABLE TO BRING TIRES AND HAVE
9 A REASONABLE FEE BE PAID FOR THEIR MANAGEMENT
10 SEEMS TO BE AN IMPEDIMENT IN THE SHORT TERM.

11 I DON'T HAVE A LONG-TERM SOLUTION,
12 BUT I THINK STEP BY STEP, IT WOULD BE BENEFICIAL
13 TO ISSUE THE PERMIT, AND WE'LL MAKE A COMMITMENT
14 TO BRING TIRES AND TO PAY FOR THEIR, YOU KNOW,
15 THEIR EFFECTIVE MANAGEMENT AND BE A PARTNER AS WE
16 HAVE BEEN IN THE LONG-TERM SOLUTION. AGAIN,
17 THAT'S IT. I'M JUST INTERESTED IN PUTTING MY TWO
18 CENTS WORTH IN ON A 90-DAY PERMIT. I'LL ACCEPT
19 QUESTIONS.

20 CHAIRMAN PENNINGTON: THANK YOU, MR.
21 LARSON. I'M SURE THAT A 90-DAY PERMIT IS NOT THE
22 MOST ADVANTAGEOUS THING FOR ANYBODY. I'M AWARE OF
23 THAT. I'M JUST TRYING TO FIGURE OUT A WAY TO KEEP
24 EVERYBODY MOVING, BUT TO KEEP CERTAIN INDIVIDUALS'
25 FEET TO THE FIRE A LITTLE BIT TOO. OBVIOUSLY YOU

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1 DON'T HAVE TO WORRY ABOUT A 90-DAY PERMIT IF OUR
2 LAWYERS TELL US WE CAN'T DO THAT.

3 MR. TOMEO: I WAS WONDERING IF I MIGHT BE
4 ABLE TO OFFER ANOTHER FEW WORDS OF THOUGHT HERE.
5 FUNDAMENTALLY WE NEED THE PERMIT TO BE ABLE TO
6 ACCEPT TIRES LEGALLY, RIGHT. AND I THINK WE'RE
7 SUPPOSED TO BE THE GOOD GUYS IN THIS RELATIONSHIP.
8 I THINK WE'VE DEMONSTRATED THAT, AND HOPEFULLY
9 WILL CONTINUE TO DO SO.

10 CHAIRMAN PENNINGTON: I CERTAINLY HOPE
11 THAT ANYTHING I'VE SAID DOESN'T LEAD YOU TO
12 BELIEVE THAT I DON'T THINK YOU ARE THE GOOD GUYS.

13 MR. TOMEO: NO. BUT I DO AND YOU DO
14 RECOGNIZE THAT WITH SOME CONCERN WE END UP BEING
15 PUNISHED AS A RESULT OF THE BAD GUYS.

16 CHAIRMAN PENNINGTON: I UNDERSTAND THAT.
17 THAT'S WHY WE HAVE TO GO THROUGH AIRPORT SECURITY
18 TOO BECAUSE OF THE BAD GUYS. I DON'T HAVE --

19 MR. TOMEO: THEY DON'T CHARGE YOU WHEN
20 YOU GO THROUGH.

21 CHAIRMAN PENNINGTON: LET ME JUST ASSURE
22 YOU I DON'T GO THROUGH AIRPORT SECURITY.

23 BOARD MEMBER RELIS: YEAH, BUT WE KNOW
24 WHY.

25 MR. TOMEO: BASICALLY I WOULD ASK YOU

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1 THAT YOU RECONSIDER THIS, AND I THINK WE NEED
2 SEPARATION OF THE SUBJECTS. YOU HAVE THE
3 OPPORTUNITY NEXT MONTH TO DEAL WITH THE -- MY
NEXT

4 DOOR NEIGHBORS, WHO ARE HAVING A PROBLEM IN
5 CORRECTLY MANAGING THEIR BUSINESS AND MANAGING A
6 TIRE PILE, WHICH IS A HUGE CONCERN FOR THE STATE
7 OF CALIFORNIA.

8 AND ALL WE'RE ASKING FOR RIGHT NOW
9 IS THE PERMIT OF THIS LITTLE TIRE DELIVERY AREA
SO

10 THAT WE CAN ROLL TIRES OFF THE TRUCK AND PUT THEM
11 INTO A LOADER BY USING A LOADER INSTEAD OF USING
12 THE LOADER LIKE A SAND BUCKET AND INDIVIDUALLY
13 PUTTING THE TIRES IN THERE ONE AT THE TIME. AND
14 WE HAVE SUFFERED ENOUGH AS A RESULT OF THE
15 PROBLEMS OF OTR NOT BEING ABLE TO PAY.

16 I JUST IMPLORE THE INTEGRATED WASTE
17 MANAGEMENT BOARD NOT TO EXACERBATE MY PROBLEMS BY
18 LAYING OFF ANOTHER WAIT ON MELP. WE NEED THE
19 ECONOMIC HELP. WE NEED TO MAKE SENSE OF THIS,
AND

20 WE NEED TO START TO RECOGNIZE WHO'S THE PROBLEM
21 AND WHO'S THE SOLUTION IN THIS EQUATION. THANK
22 YOU.

23 BOARD MEMBER JONES: MAY I MAKE A

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24 COMMENT. I THINK WE RECOGNIZE, YOU KNOW, WHAT
THE
25 ISSUES ARE. OUR PROBLEM IS IS BECAUSE OF THE

1 LATENESS OF THE ISSUE AND THE FACT THAT IT WAS MY
2 MOTION THAT BROUGHT IT TO THIS BOARD, IT PUTS US
3 IN VERY, VERY TIGHT POSITION TRYING TO NEGOTIATE
4 SOMETHING. I AGREE WITH YOU A HUNDRED PERCENT.
5 THE WAY I LOOK AT THIS THING, THIS IS A FACILITY,
6 IT'S A FACILITY PERMIT, IS THE PERMIT REASONABLE,
7 DOES IT MEET THE STATE MINIMUM STANDARDS.

8 I THINK OTHER THINGS ARE GOING TO
9 FALL OUT WITH OXFORD AND WITH OTHER -- PG&E AND
10 OTHER PLAYERS BASED ON THE ECONOMICS THAT ARE
11 CREATED WHEN YOU'RE ABLE TO TAKE TIRES FROM AN
12 ENTITY THAT'S WILLING TO PAY. ALL OF THE SUDDEN,
13 IT PUTS A REAL BURDEN ON SOMEBODY THAT'S BEEN
14 GETTING IT FOR FREE AND NOW ALL OF A SUDDEN HE
15 UNDERSTANDS THAT HE HAS TO PAY TO GET THOSE TIRES
16 AWAY.

17 WHAT WE WERE SCRAMBLING AROUND
18 TRYING TO DO WAS FIND A WAY IN THIS SHORT TIME
19 FRAME TO BE ABLE TO TAKE CARE OF YOUR NEEDS AS
20 WELL AS PROTECT THE NEEDS OF THE STATE.

21 BOARD MEMBER RELIS BRINGS UP GOOD
22 ISSUES ABOUT THAT INTERRELATIONSHIP OF WHY THIS
23 THING FIRST CAME UP. YOU KNOW, I'M NOT SURE THAT
24 WE CAN ADD A CONDITION TO YOUR PERMIT THAT SAYS
WE
25 NEED TIME WITH YOU AFTER A PERMIT HAS BEEN

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GRANTED

1 TO SIT, YOU KNOW, TO KEEP THAT PROCESS MOVING. I
2 DON'T KNOW IF THAT'S A VALID CONDITION TO PUT ON.
3 BUT BECAUSE OF THE TIME CONSTRAINTS, YOU KNOW,
4 WE'VE BOXED OURSELVES INTO A LITTLE BIT OF A
5 CORNER, OR WE SAY WE'RE NOT GOING TO TAKE A VOTE
6 ON THIS THIS MONTH, COME BACK IN A MONTH. THAT
7 JUST KEEPS THE AGONY GOING FOR ANOTHER MONTH FOR
8 YOU GUYS.

9 SO THIS IS NOT SIMPLE STUFF. I MEAN
10 AS FAR AS I'M CONCERNED, A FACILITY PERMIT HAS TO
11 STAND ON ITS OWN. IT CAN'T BE AN ARBITRARY
12 DECISION. IT NEEDS TO BE BASED ON THE FACTS, AND
13 THE FACTS ARE IS IT A VALID SOLID WASTE FACILITY
14 TIRE PERMIT. I HAPPEN TO THINK IT IS.

15 MR. TOMEO: RIGHT. THINKING THE SAME
16 THING AS I SIT BACK HERE, A CONDITION THAT WE CAN
17 ONLY ACCEPT TWO-THIRDS OF OUR TIRES OR 60 PERCENT
18 OF OUR TIRES FROM THE OUTSIDE IS A CONDITION THAT
19 WON'T STAND UP ANYWAY. I DON'T THINK THE BOARD
20 PROBABLY HAS THE RIGHT TO GET INTO OUR BUSINESS.
21 IN OTHER WORDS, HOW YOU HAVEN'T ALLOWED OTR TO
22 PICK UP WHOSE TIRES, NOT ALLOWED THEM TO PICK UP
23 SIMPLE PARKING LOT AND PICK UP TIRES AND PUT THEM
24 IN OUR HOPPERS AND --

25 CHAIRMAN PENNINGTON: 400,000 OF THEM.

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1 YOU WOULDN'T WANT THOSE IN YOUR BACKYARD.

2 MR. TOMEO: YEAH. BUT I MEAN TO CONSIDER
3 IT AS AN INTEGRAL COMPONENT OF THE SOLUTION, WE'RE
4 JUST MISSING SOMETHING. IT'S BASICALLY LETTING ME
5 NOT HAVE TO ROLL TIRES OUT OF A TRAILER AND PUT
6 THEM IN THE BUCKET OF A LOADER AND OPERATE IN A
7 NORMAL MANNER. AND I DON'T SEE HOW IT'S GOING TO
8 AFFECT THE BIG PICTURE ONE WAY OR ANOTHER.

9 BOARD MEMBER GOTCH: MR. TOMEO AND MR.
10 GRECO, I FEEL YOUR PAIN, BUT I FEEL LIKE TODAY
11 WE'RE BEING ASKED TO APPROVE YOUR PERMIT IN A
12 VACUUM. IT'S BEEN TWO DAYS. AND I HAVEN'T MET
13 WITH YOU BETWEEN -- BEFORE PERMITTING OR SINCE.
14 AND I DON'T FEEL LIKE I'M READY TO VOTE FOR THIS
15 PERMIT IN SUPPORT OF IT TODAY ALTHOUGH I DO
16 UNDERSTAND YOUR PREDICAMENT. SO I AGREE WITH THE
17 RECOMMENDATION THAT MR. RELIS HAD PUT FORTH
18 EARLIER, WHICH IS THAT WE WAIT A MONTH. AND I
19 DON'T KNOW HOW THE REST OF THE BOARD MEMBERS FEEL
20 ABOUT THIS RIGHT NOW, BUT THAT'S WHAT I WOULD
21 LIKE
22 TO PROPOSE.

23 CHAIRMAN PENNINGTON: ARE YOU MAKING
24 THAT
25 A MOTION?

26 BOARD MEMBER GOTCH: I WILL MAKE THAT

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AS

25 A MOTION.

1 CHAIRMAN PENNINGTON: OKAY.

2 MR. TOMEO: MAY I ASK A QUESTION?

3 CHAIRMAN PENNINGTON: I NEED A SECOND.

4 BOARD MEMBER CHESBRO: I'LL SECOND IT.

5 MR. TOMEO: MAY I ASK A QUESTION BEFORE
6 YOU VOTE ON THAT? I'M NOT SURE IF MY RECOLLECTION
7 IS CORRECT, BUT IF THERE WERE NO ACTION TAKEN BY
8 THE BOARD ONCE THIS THING IS DEEMED COMPLETE, IT
9 BASICALLY GETS IMPLEMENTED AFTER THE 180-DAY
10 PERIOD?

11 CHAIRMAN PENNINGTON: NO. IT'S A SOLID
12 WASTE FACILITY PERMIT. I THINK OURS DOES NOT
13 AUTOMATICALLY BECOME WITHOUT A VOTE OF APPROVAL.

14 MR. TOMEO: WASN'T THAT A POSITION THAT
15 OTR WAS TAKING DURING THEIR TWO-YEAR PROCESS THEY
16 FILED AND SAID THAT, GEE, THEY WERE DEEMED
17 COMPLETE, A NUMBER OF MONTHS WENT BY, THERE WERE
18 NO ISSUES RAISED, AND THEREFORE, IT'S A DONE DEAL?

19 MS. TOBIAS: THAT WAS THEIR APPLICATION
20 BEING DEEMED COMPLETE, THEY WERE ARGUING, AS I
21 RECALL. THE CHAIRMAN IS CORRECT. THE TIRE
22 STATUTES DON'T WORK THE SAME WAY AS THE SOLID
23 WASTE FACILITY PERMIT STATUTES DO. SO THERE IS
24 NO
25 DEEMED CONCURRENCE AS THERE WOULD BE ON A SOLID
 WASTE FACILITIES PERMIT.

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1 MR. CHANDLER: YOUR APPLICATION HAS BEEN
2 DEEMED COMPLETE.

3 MR. TOMEO: YES, I KNOW THAT. AND I
4 THOUGHT THAT ONCE IT WAS DEEMED COMPLETE, THAT
5 MAYBE THERE WAS AN AUTOMATIC TRIGGERING POINT, BUT
6 I'M PROBABLY JUST MIXED UP.

7 MR. ADAMS: IF THIS MAY HELP ADDRESS
8 THAT.

9 CHAIRMAN PENNINGTON: EVEN IF IT WAS A
10 180 DAYS, WE'RE GOING TO BRING IT BACK, ACCORDING
11 TO HER MOTION, IT'S GOING TO COME BACK IN 30 DAYS
12 ANYWAY.

13 MR. TOMEO: OKAY. WELL --

14 CHAIRMAN PENNINGTON: NOT OKAY, BUT --

15 MR. TOMEO: I WOULDN'T TAKE BETS ON IT.

16 BOARD MEMBER RELIS: MR. CHAIR, SPEAKING
17 TO THE MOTION AND THE SECOND THAT WAS MADE, I
18 WONDERED, I WASN'T -- I'M INTERESTED IN THE 30
19 DAYS, BUT ONLY -- THE 30 DAYS ARE ONLY RELEVANT IF
20 WE HAVE SOME HIGH-POWERED EFFORT, IS WHAT I CALL
21 IT, TO CONVENE THE PARTIES THAT -- I MEAN ENERGY
22 COMMISSION, THE PG&E PEOPLE AND SIZE UP -- PUT
23 THIS ONE AGAIN IN CONTEXT. THAT'S MY INTEREST
24 ANYWAY. I MAY BE HAPPY TO SUPPORT THE PERMIT
IF
25 WE -- IF I CAN SEE WHERE THIS PERMIT FITS IN TO

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1 OUR DIRECTION HERE AT THE BOARD.

2 AND SO I WONDERED IF THE MAKER OF
3 THE MOTION COULD CONSTRUCT A PROCESS THAT WOULD
4 ASSURE -- I MEAN WE COULD ASK THE EXECUTIVE
5 DIRECTOR TO, MR. CHANDLER, TO CONVENE THOSE
6 PARTIES. I KNOW WE -- YOU MET WITH CPCFA, AND
7 THEY DIDN'T FEEL THAT THEY'RE AN ACTIVE INTEREST
8 IN THIS GROUP.

9 MR. CHANDLER: I DID DISCUSS YOUR, I
10 THINK, YOUR INTEREST AND THE BOARD'S INTEREST AT
11 THE TIME OF SEEING IF THE OTHER PLAYERS, IF YOU
12 WILL, WOULD LIKE TO COME TO THE TABLE FOR SOME
13 LARGER DISCUSSIONS. MR. TOMEIO INDICATED TO ME
14 THAT HE HAD A PROPOSAL BEFORE THE BOARD IN WHICH
15 HE HAS STILL NOT HEARD ANY RESOLUTION FROM THE
16 BOARD AS TO WHAT THEY WANT TO DO. OF COURSE, AS
17 YOU KNOW, THAT IS ONE --

18 BOARD MEMBER RELIS: I'M SPEAKING
19 STRICTLY AS THE BOARD.

20 MR. CHANDLER: IF I COULD FINISH. I'M
21 TRYING JUST GIVE YOU A LITTLE BIT OF BACKGROUND
22 THAT IN TALKING WITH MR. TOMEIO, HE WAS REALLY NOT
23 INTERESTED IN MY EFFORTS TO BRING PARTIES, SUCH AS
24 PG&E, IN WHICH THEY WERE UNDER NEGOTIATIONS,
25 FRANKLY, OVER WHETHER OR NOT THE CLIFF DATE IS IN

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1 SEPTEMBER OR APRIL. I BELIEVE THERE'S SOME
2 LITIGATION OR AT LEAST DISPUTE RESOLUTION PROCESS
3 GOING ON. AND SO MY ATTEMPTS TO TRY TO BRING ALL
4 THESE THIRD PARTIES TOGETHER WAS NOT MET WITH THE
5 KIND OF MAYBE OUTCOME THAT YOU AND I WOULD LIKE TO
6 SEE. IT WAS MORE, YOU KNOW, WE HAVE A PROPOSAL
7 BEFORE THE BOARD. WE'D LIKE TO HEAR FIRST
8 DEFINITIVELY FROM THE BOARD ON THAT.

9 WITH RESPECT TO THE ENERGY
10 COMMISSION, THEY ARE MAKING, I THINK, APPROPRIATE
11 STRIDES TO MOVE THEIR FACILITY INTO TIER 1 UNDER
12 THE 1890 ALLOCATION PROCESS. THAT REPRESENTATION
13 IS BEING HANDLED IN THE FORUM THAT I BELIEVE IS
14 APPROPRIATE AT THE ENERGY COMMISSION, AND THEY ARE
15 NOW POSITIONED TO BE REPRESENTED IN THE REPORT TO
16 THE LEGISLATURE ON WHAT KIND OF ADDITIONAL FUNDING
17 ALLOCATION THEY SHOULD GET UNDER THE 1890 PROCESS.

18 I COULD TRY AGAIN, BUT I'M JUST
19 INDICATING TO YOU THAT MY EARLIER EFFORTS WERE MET
20 WITH WE'D LIKE TO HEAR FIRST BACK FROM THE BOARD
21 ON OUR EXISTING PROPOSAL, AND WE'RE -- THE
22 NEGOTIATIONS BETWEEN US, PG&E, AND THE BANKS OR
23 BETWEEN US, PG&E, AND THE BANKS AND REALLY AM NOT
24 INTERESTED IN THE BOARD, IF YOU WILL, WEIGHING IN
25 ITS OWN OPINION ON THAT.

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1 BUT I CERTAINLY WILL TAKE YOUR
2 DIRECTION AND TRY AGAIN, BUT I'M JUST GIVING YOU
3 MY RECOLLECTION OF THE CONVERSATIONS ON WHY WE
4 DIDN'T MAYBE MAKE THE PROGRESS WE HAD ALL HOPED TO
5 EARLIER IN THE YEAR.

6 MR. TOMEO: BY WAY OF BRIEF EXPLANATION
7 THERE, BY THE WAY, WE ARE ACTIVELY DISCUSSING WITH
8 PG&E OUR CONTRACT MATTERS AND DIDN'T FEEL THAT
9 THAT WAS APPROPRIATE TO BE OPENING THAT UP TO A
10 PUBLIC FORUM WHEN WE ARE ACTUALLY IN A LITIGATION
11 OVER THAT.

12 WITH REGARD TO DEALING WITH OTHER
13 PARTIES, WE HAVE, AS MR. CHANDLER POINTED OUT,
14 BEEN ACTUALLY VERY SUCCESSFUL WITH THE AB 1890.
15 WE HAVE BEEN VOTED OUT OF COMMITTEE IN TIER 1. SO
16 WE HAVE CONTINUED OUR EFFORTS ON THAT FRONT.

17 AND BASICALLY IT'S NOT THAT WE DID
18 NOT WANT TO CONTINUE DIALOGUE. WE VERY MUCH DO
19 SO. AND I THINK ACTUALLY IF YOU KIND OF REPLAY
20 WHAT HAPPENED, THE RECOMMENDATION WAS LET'S SEE
21 WHAT HAPPENS WITH THE OTR PERMIT IN MARCH. AND
22 NOW IT'S LET'S SEE WHAT HAPPENS WITH THE OTR
23 PERMIT IN APRIL BECAUSE OF THE COUNT PROBLEM.

24 WE HAVE, SORRY TO SAY, I CAN'T
KEEP
25 MY BUSINESS STATIC AND LOSING MONEY DURING THIS

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1 PROCESS. SO ONE OF MY SOLUTIONS, MOST LIKELY,
2 WILL BE TO GO TALK TO PG&E ABOUT A SHUTDOWN SO
3 THAT I CAN SAVE SOME MONEY BECAUSE AS LONG AS I
4 CONTINUE TO TAKE TIRES OFF THE ROAD AND DO
IT --

5 I'M SORRY -- TAKE TIRES OFF THE PILE AND
DO IT FOR
6 FREE, SPENDING A LOT OF MONEY PULLING THEM
IN, I

7 CAN MOST LIKELY DO BETTER SHUTTING MY
PLANT DOWN

8 BECAUSE PG&E HAS GOT A TREMENDOUS AMOUNT
OF

9 HYDROPOWER, AND THEY WILL PAY US TO NOT
OPERATE

10 THE FACILITY.

11 THAT CERTAINLY IS COUNTER TO
WHAT WE

12 HAVE CONTINUED TO TRY AND DO, AND RALPH
WILL VOUCH

13 FOR ME, THAT I TOLD HIM I WAS HOLDING OFF
ON

14 DISCUSSIONS OF THIS NATURE SINCE LAST
DECEMBER.

15 WE'VE DONE VERY WELL WHEN WE'VE HAD THESE
16 SHUTDOWNS EVEN WHEN WE WERE BEING PAID FOR

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TIRES.

17 I'VE ONLY DONE THIS TO TRY AND WORK WITH
THE STATE

18 OF CALIFORNIA AND THE INTEGRATED WASTE
MANAGEMENT

19 BOARD TO WORK OUT A SOLUTION. BUT TO THE
DEGREE I

20 CAN'T GET COOPERATION TO EVEN GET A LITTLE
PERMIT,

21 AND, YEAH, ALL RIGHT, IT'S A LOT OF TIRES,
BUT

22 IT'S THREE WEEKS WORTH OF BURN FOR US.
AND IT'S

23 JUST SOME ECONOMIC FUNDAMENTALS TO KEEP
THIS THING

24 AT LEAST PIECED TOGETHER.

25 I'LL HAVE TO START WORKING
IN

1 DIFFERENT DIRECTIONS, AND THEY MAY NOT BE
2 CONSISTENT WITH THE BOARD. AND I'M REALLY
3 DISAPPOINTED THAT I'M BEING PRESSED IN THAT
4 DIRECTION. AND JUST SUGGEST YOU HAVE THE MEETINGS
5 WITH RALPH, AND I'M SURE HE CAN VERIFY WHAT I'M
6 TELLING YOU.

7 BOARD MEMBER RELIS: THAT'S THE FIRST
8 TIME I'VE HEARD THIS. I DON'T KNOW WHAT TO TELL
9 YOU.

10 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
11 DISCUSSION?

12 BOARD MEMBER JONES: JUST BECAUSE I DON'T
13 KNOW ANY BETTER, WHEN WE HAVE THIS -- WE HAVE A
14 MOTION, WE HAVE A SECOND. OKAY. DO WE VOTE ON
15 THAT AND THEN ANOTHER MOTION IS BROUGHT UP? IF I
16 WANT TO MAKE A MOTION THAT WE ACCEPT THIS --

17 CHAIRMAN PENNINGTON: YOU CAN DO TWO
18 THINGS. YOU CAN WAIT AND LET THE BOARD VOTE, AND
19 THEN ASK THE BOARD WITH ANOTHER MOTION, OR YOU
CAN

20 OFFER A SUBSTITUTE MOTION, WHICH WOULD HAVE TO BE
21 TAKEN BEFORE WE TAKE UP THE MAIN MOTION, WHICH IS
22 MRS. GOTCH'S MOTION. SO IF YOU FEEL YOU HAVE
23 SOMETHING --

24 BOARD MEMBER JONES: I'M GOING TO OFFER
25 THIS MOTION AS A SUBSTITUTE, TO ISSUE THE PERMIT.

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1 I THINK IT'S A SPECIFIC ISSUE AND WE HAVE TO DEAL
2 WITH IT.

3 I'D LIKE TO OFFER A SUBSTITUTE
4 MOTION OF GRANTING PERMIT DECISION 97-94.

5 BOARD MEMBER FRAZEE: SECOND THAT.

6 CHAIRMAN PENNINGTON: OKAY. WE HAVE A
7 SUBSTITUTE MOTION BEFORE THE FLOOR TO ACCEPT THE
8 STAFF RECOMMENDATION TO APPROVE PERMIT DECISION
9 NO. 97-94. ANY DISCUSSION? WE'VE HAD QUITE A
10 BIT. IF NOT, WILL THE SECRETARY CALL THE ROLL.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: NO.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: NO.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: NO.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE. SO IT'S
THREE

23 THREE; IS THAT CORRECT? SO THE MOTION FAILS.

24 NOW WE'LL TAKE UP THE GOTCH
MOTION,

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25 WHICH IS TO BRING THE PERMIT BACK IN 30 DAYS.

1 OKAY. WILL THE SECRETARY CALL THE ROLL.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: NO.

6 BOARD SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 BOARD SECRETARY: JONES.

9 BOARD MEMBER JONES: NO.

10 BOARD SECRETARY: RELIS.

11 BOARD MEMBER RELIS: AYE.

12 BOARD SECRETARY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: NO. SO NOW WE HAVE
14 TO TRY SOMETHING ELSE HERE.

15 MR. TOMEO: YOU WANT TO GIVE ME A VOTE?

16 BOARD MEMBER CHESBRO: I DON'T UNDERSTAND
17 IN THE ABSENCE OF THE VOTES TO ISSUE A PERMIT
18 TODAY WHY WE WOULDN'T WANT TO RECONSIDER IT IN 30
19 DAYS. SEEMS LIKE THAT'S THE NEXT BEST THING.

20 CHAIRMAN PENNINGTON: I THINK THE REASON
21 FOR IS THAT THIS LEAVES THEM WITHOUT THE ABILITY
22 TO GET ANY TIRES EXCEPT TO TAKE THEM OFF --

23 BOARD MEMBER CHESBRO: THAT'S WHETHER WE
24 TAKE IT UP NEXT MONTH OR NOT. THEY'RE LEFT IN
25 THAT POSITION -- IF THAT'S THEIR POSITION, THAT'S

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1 THEIR POSITION WHETHER WE TAKE IT UP 30 DAYS FROM
2 NOW OR NOT.

3 CHAIRMAN PENNINGTON: TRUE. I'M JUST --
4 I THINK WE VOTED NOT TO TAKE IT UP IN 30 DAYS
5 BECAUSE WE THINK THAT WE NEED TO THINK ABOUT AND
6 MAYBE TRY AGAIN TO -- TO DO SOMETHING TODAY SO
7 THAT THEY CAN AT LEAST CONTINUE TO OPERATE.

8 I THINK WE'RE PUTTING OURSELVES IN A
9 POSITION WHERE THESE PEOPLE ARE NOT GOING TO TAKE
10 ANYTHING OFF THE TIRE PILE AND THEY'RE LIABLE TO
11 JUST SHUT THE WHOLE DARN THING DOWN.

12 I DON'T LIKE REALLY THE DECISION TO
13 HAVE TO ISSUE A FIVE-YEAR PERMIT, BUT I KIND OF
14 THINK WE'RE -- SINCE WE CAN'T DO WHAT I WAS HOPING
15 WE COULD DO, AND THAT WAS MAKE IT A SHORT-TERM
16 PERMIT SO THAT WE COULD GET THROUGH TO SEE WHAT
17 OUR SITUATION IS WITH OXFORD AND THEN COME BACK
18 AND REVISIT THIS BECAUSE THAT MAY CHANGE WHEN WE
19 LOOK AT WHAT HAPPENS WITH OXFORD, IT MAY CHANGE
20 THE WHOLE PICTURE.

21 MR. CHANDLER: MR. CHAIRMAN --

22 CHAIRMAN PENNINGTON: WE'RE GOING TO TAKE
23 A THREE-MINUTE BREAK.

24 (RECESS TAKEN.)

25 CHAIRMAN PENNINGTON: WE'VE GOT A PAPER

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1 CHANGE, AND I'M HALF AN HOUR LATE FOR MY DOCTOR'S
2 APPOINTMENT.

3 BOARD MEMBER JONES: MR. CHAIRMAN.

4 CHAIRMAN PENNINGTON: I'LL PROBABLY BE ON
5 TIME ACTUALLY.

6 BOARD MEMBER JONES: OR AT LEAST BE READY
7 WHEN HE COMES READY FOR YOU.

8 CHAIRMAN PENNINGTON: MR. JONES.

9 BOARD MEMBER JONES: I WANT TO EXPAND
10 THIS DISCUSSION A LITTLE BIT, AND IT WAS COUPLE
11 ISSUES I DIDN'T REALLY WANT TO SPEAK ABOUT, BUT I
12 THINK WE HAVE TO SPEAK ABOUT THEM. ONE IS
13 THERE'RE TIRES ON THAT PAD ALREADY. IRREGARDLESS,
14 SOMEBODY IS IN VIOLATION.

15 THE OTHER ISSUE IS, DEPENDING UPON
16 THE OUTCOME OF THE REVIEW OF OXFORD IN APRIL,
17 IF -- AND I DON'T KNOW THE CLEAR-CUT ANSWER TO HOW
18 THAT WORKS, BUT IF WE FIND THEM IN VIOLATION OF
19 THEIR CONDITIONS AND WE END UP HAVING TO START
20 CLOSING THAT PILE, IT'S MY UNDERSTANDING THAT
21 THOSE TIRES HAVE TO GO TO A PERMITTED FACILITY.

22 IF THEY HAVE TO GO TO A PERMITTED
23 FACILITY AND MELP IS NOT PERMITTED, DOES THAT
MEAN

24 WE'RE GOING TO HAUL THEM TO KEEFER ROAD? I

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THINK

25 IT DOES. SO WHILE EVERYBODY IS WAITING TO HEAR
OR

1 TO KIND OF PUT THESE TWO THINGS IN PERSPECTIVE,
2 THE OXFORD AND THE MELP ISSUES, I THINK IT WOULD
3 BE PRUDENT ON THIS BOARD TO HAVE A PERMITTED
4 FACILITY THAT IS CLOSE ENOUGH TO A LEGACY PILE
5 THAT WE COULD TAKE TIRES OFF THAT PILE AT A
6 REDUCED RATE RATHER THAN PUTTING THEM IN A VEHICLE
7 AND HAULING THEM TO THE KEEFER LANDFILL.

8 I DON'T KNOW IF THAT'S THE BEST
9 REASON IN THE WORLD TO GIVE A PERMIT, BUT IT
10 OBVIOUSLY ADDS TO THIS EQUATION. AND I JUST THINK
11 WE NEED TO DISCUSS THAT BECAUSE I THINK THAT THE
12 OUTCOME -- EVERYBODY IS WORRIED ABOUT HOW THOSE
13 TWO ARE GOING TO INTERREACT, AND I'M WORRIED THAT
14 IF WE END UP HAVING TO TAKE AN ACTION, WE'RE GOING
15 TO END UP HAULING TIRES TO KEEFER, AND WE'RE GOING
16 TO LANDFILL THEM INSTEAD OF GENERATE ELECTRICITY.

17 SO I THINK AFTER SOME DISCUSSION, I
18 MEAN THERE'S DIFFERENT VIEWS OF EVERY ITEM, SO --
19 BUT, YOU KNOW, BASED ON THAT PIECE OF INFORMATION,
20 I THINK WE NEED TO, YOU KNOW, THINK SERIOUSLY
21 ABOUT ISSUING A PERMIT SO WE HAVE A PLACE TO TAKE
22 CARE OF A LEGACY PILE.

23 MR. CHANDLER: MR. CHAIRMAN, THE THOUGHT
24 I HAD IS JUST AS A THOUGHT FOR YOUR CONSIDERATION
25 IS CLEARLY THE BOARD IS SPLIT ON WHETHER THE

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1 PERMIT SHOULD BE TAKEN UP TODAY OR PERHAPS DELAYED
2 FOR 30 DAYS. MAYBE ONE MIDDLE GROUND WOULD BE TO
3 ACKNOWLEDGE THAT WE ARE THE EA FOR THE STANISLAUS
4 COUNTY FOR THE JURISDICTION, AND PERHAPS I COULD
5 WORK WITH YOUR OFFICES AROUND THE KINDS OF
6 CONDITIONS YOU'D LIKE TO SEE BROUGHT FORWARD ON
7 THIS PERMIT FOR APRIL.

8 AND IN THIS INTERIM PERIOD OF TIME,
9 AS THE EA, THAT WE ISSUE A NOTICE AND ORDER AT THE
10 SITE, WHICH WOULD CONDITION THE FACT THAT, AS MR.
11 JONES JUST POINTED, THEY ARE IN VIOLATION BY
12 HAVING TIRES AT -- ON AN UNPERMITTED AREA AND THAT
13 IT WOULD CONDITION HOW THOSE TIRES ARE TO BE
14 HANDLED AND USED UNTIL THEY'RE PROPERLY BROUGHT IN
15 UNDER A PERMIT. AND WE COULD BRING THAT PERMIT
16 BACK IN APRIL WITH THE KINDS OF CONDITIONS THAT I
17 THINK MR. RELIS WAS TRYING TO SPEAK TO.

18 AND I DON'T KNOW IF THIS WOULD BE
19 AGREEABLE WITH THE APPLICANT, BUT I JUST FEEL THAT
20 THE PREDICAMENT WE FIND OURSELVES IN TODAY IS ONE
21 THAT WE NEED TO FIND SOME CREATIVE SOLUTIONS. I'M
22 HEARING FOR A CALL TO POSTPONE THIS TILL APRIL, SO
23 MAYBE IN THE INTERIM SO THAT THE OPERATOR HAS SOME
24 ABILITY TO MANAGE THOSE TIRES THAT ARE COMING IN
25 OR THOSE TIRES THAT ARE ON THE PILE, WHICH AS MR.

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1 JONES POINTED OUT, ARE IN VIOLATION, THAT THEY BE
2 ISSUED A NOTICE AND ORDER TO -- BY THIS AGENCY TO
3 MANAGE THAT TIRE DELIVERY AREA IN ACCORDANCE WITH
4 OUR NOTICE AND ORDER, AND THEN WE BRING THE PERMIT
5 BACK IN APRIL WITH THE KINDS OF CONDITIONS THAT
6 THIS BODY WANTS TO SEE THE APPLICANT ENTERTAIN.

7 BOARD MEMBER JONES: UNDER THE NOTICE AND
8 ORDER, THEY'D BE ABLE TO MANAGE THE PILE THROUGH
9 TAKING DELIVERIES AND MANAGING THE EXIT OF THOSE
10 TIRES OUT, AND THEY'D STILL HAVE THE ABILITY TO
11 STOCKPILE TIRES UNDER THE NOTICE AND ORDER?

12 MR. CHANDLER: AS YOU POINTED OUT,
13 THERE'S ALREADY STOCKPILED TIRES. AND I BELIEVE
14 ENFORCEMENT STAFF HAVE JUST INFORMED ME THAT WE'VE
15 ALREADY ISSUED THEM JUST YESTERDAY OR THE DAY
16 BEFORE A LETTER WHICH INDICATES THAT THEY ARE IN
17 VIOLATION OF TIRES STOCKPILED IN AN UNPERMITTED
18 AREA. SO THEY HAVE BEEN PUT ON NOTICE.

19 I'M SUGGESTING THAT WE ISSUE ANOTHER
20 NOTICE AND ORDER THAT NOW SPEAK TO HOW THOSE
21 TIRES, THOSE THAT ARE FLOWING INTO THE FACILITY
22 AND THOSE THAT ARE THERE, ARE MANAGED SO THAT
23 THOSE TIRES COULD BE PROPERLY STACKED, PROPERLY
24 FIRE LANED, AND THEN PUT INTO THE FACILITY AS THE
25 FLOW RATE THAT WOULD BE REQUIRED UNTIL WE BRING

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1 THIS PERMIT BACK WITH THE KIND OF CONDITIONS
2 YOU'RE LOOKING FOR IN APRIL.

3 BOARD MEMBER JONES: IN APRIL.

4 MR. CHANDLER: MAYBE HAVE IT BEFORE THE
5 OXFORD ITEM SO THAT AT LEAST YOU HAVE A PERMITTED
6 FACILITY OR A NONPERMITTED FACILITY, HOWEVER THE
7 VOTE WILL GO, BEFORE YOU ENTERTAIN THAT. THAT
8 SEQUENCING CAN BE DISCUSSED, BUT THERE'S WAYS TO
9 LOOK AT THAT. SO IT'S AN IDEA JUST TO RECOGNIZE
10 THAT WE DO CONTROL THE SITUATION AND THAT WE ISSUE
11 THE PERMIT AND WE ARE THE PERMITTING AGENCY.

12 BOARD MEMBER JONES: THAT'S GOOD STUFF.

13 CHAIRMAN PENNINGTON: HOW DOES THE
14 APPLICANT FEEL ABOUT THAT?

15 MR. TOMEO: FIRST, I'D JUST WISH TO OFFER
16 A CLARIFICATION SINCE -- WHAT RALPH HAS SAID IS
17 CORRECT, BUT HE'S USING THE WORD "THEY." SO I
18 WANT TO MAKE SURE EVERYBODY, BOTH UP HERE AND BACK
19 THERE, UNDERSTANDS. I WANT TO KEEP MY WHITE HAT
20 ON CONTINUED.

21 WE HAVE NOT PUT ANY TIRES FROM ANY
22 HAULER ON THE OUTSIDE ON THE GROUND. WE HAVE
23 CONTINUED, AS WE PROMISED, TO TAKE EVERY ONE OF
24 THOSE TIRES AND CART THEM OVER ALMOST BY HAND TO
25 OUR FACILITY. THE TIRES ON THE GROUND IN AN

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1 UNPERMITTED AREA ARE TIRES THAT HAVE BEEN PLACED
2 THERE BY THE OXFORD TIRE RECYCLING COMPANY AND
3 THEY'RE THERE.

4 SOME OF THEM WERE PLACED THERE BY
5 THEIR OPERATIONS. WE HAVE ON OCCASION GONE OUT --
6 NOT ON OCCASION, ON A CONTINUOUS BASIS ALSO GONE
7 OUT TO THE PILE TO PICK UP TIRES TO PUT THEM ON
8 THE GROUND SO THAT WE CAN STAGE THEM AND LOAD THEM
9 INTO OUR HOPPERS. SO IF YOU WISHED THAT ACTIVITY
10 TO STOP, WE WOULD BE FORCED DOWN, BUT THERE HAS
11 BEEN, I GUESS, A CERTAIN UNDERSTANDING WITH REGARD
12 TO TIRE PILE TIRES TO DATE.

13 BOARD MEMBER RELIS: MR. CHAIR.

14 CHAIRMAN PENNINGTON: YES, MR. RELIS.

15 BOARD MEMBER RELIS: I LIKE WHAT MR.

16 CHANDLER HAS SUGGESTED IF ITS DOABLE AND THAT WE
17 WOULD -- AND THAT WE COULD MAKE SURE BOTH PARTIES
18 WERE ON OUR PERMIT AGENDA NEXT MONTH. SO THAT IF
19 IN THE EVENT MR. JONES DESCRIBED, WE WOULD BE ABLE
20 TO ADDRESS THE CONCERN HE RAISED.

21 CHAIRMAN PENNINGTON: WELL --

22 MR. TOMEO: WITH REGARD TO YOUR QUESTION,
23 I'M SORRY, THE APPLICANT WOULD FIND THAT TO BE A
24 REASONABLE MEASURE TO IMPROVE OUR REGULATORY
25 STATUS FOR THE NEXT MONTH.

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1 CHAIRMAN PENNINGTON: OKAY. SHALL I TRY
2 IT AGAIN THIS TIME? I'LL MAKE A MOTION THAT WE
3 POSTPONE ACTION ON THIS PERMIT TILL THE APRIL 1997
4 BOARD MEETING.

5 MR. CHANDLER: I WOULD ADD THAT IN THE
6 INTERIM THE BOARD BE DIRECTED TO ISSUE AN
7 APPROPRIATE NOTICE AND ORDER WHICH ALLOWS FOR THE
8 PROPER HANDLING AND STORAGE OF ANY TIRES IN THE
9 CURRENTLY UNPERMITTED AREA OF THE MELP FACILITY.

10 CHAIRMAN PENNINGTON: OKAY.

11 BOARD MEMBER JONES: I SECOND THAT
12 MOTION.

13 CHAIRMAN PENNINGTON: IF THERE'S NO
14 FURTHER DISCUSSION, ASK THE SECRETARY TO CALL THE
15 ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: AYE.

18 BOARD SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: AYE.

20 BOARD SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: AYE.

22 BOARD SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 BOARD SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 BOARD SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. WE'RE GOING
3 TO HAVE A FOUR-DAY BOARD MEETING NEXT MONTH.

4 I'M NOW GOING TO TURN THE CHAIR
OVER

5 TO MR. FRAZEE. I'M GOING TO LEAVE. I HAVE BEEN
6 BITTEN BY A TIRE SPIDER. I HAVE A DOCTOR'S
7 APPOINTMENT TO GO HAVE IT LOOKED AT.

8 (THE GAVEL WAS THEN HANDED OVER TO
9 VICE CHAIRMAN FRAZEE.)

10 VICE CHAIRMAN FRAZEE: I THINK WE'RE
11 READY TO PROCEED AT THIS TIME WITH ITEM 41. THIS
12 IS THE CONSIDERATION OF A REVISED SOLID WASTE
13 FACILITY PERMIT FOR THE HEALDSBURG TRANSFER
14 STATION IN SONOMA COUNTY. MR. DIER.

15 MR. DIER: MR. CHAIRMAN, NOW FOR
16 SOMETHING COMPLETELY DIFFERENT.

17 THIS ITEM CAME OUT OF PERMITTING
AND

18 ENFORCEMENT COMMITTEE LAST WEEK ON A TWO OH VOTE,
19 RECOMMENDING CONCURRENCE. STAFF FROM THE PERMITS
20 BRANCH, DAVE OTSUBO AND SUZANNE HAMBLETON, BRIAN
21 LARIMORE IS HERE FROM THE ENFORCEMENT BRANCH, AND
22 BOB SWIFT, REPRESENTING THE LEA, IS AT THE TABLE
23 ALSO. DAVID.

24 MR. OTSUBO: GOOD AFTERNOON, MEMBERS OF

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25 THE BOARD. THIS ITEM REGARDS THE CONSIDERATION
OF

1 THE ISSUANCE OF A REVISED SOLID WASTE FACILITY
2 PERMIT FOR THE HEALDSBURG TRANSFER STATION IN THE
3 COUNTY OF SONOMA. THIS FACILITY IS LOCATED NEAR
4 THE CITY OF HEALDSBURG AND IS ADJACENT TO THE
5 CLOSED HEALDSBURG LANDFILL.

6 THE MAJOR ASPECT OF THE PROJECT IS
7 AN INCREASE IN MAXIMUM PERMITTED TONNAGE FROM 320
8 TO 450 TONS PER DAY. THE OWNER/OPERATOR OF THE
9 SITE IS THE COUNTY DEPARTMENT OF TRANSPORTATION
10 AND PUBLIC WORKS.

11 IN REVIEWING THE SUBMITTED
12 DOCUMENTATION, THE LEA AND BOARD STAFF HAVE
13 DETERMINED THE FOLLOWING: THE COUNTY HAS AN
14 APPROVED INTEGRATED WASTE MANAGEMENT PLAN. AND
15 SINCE THE FACILITY IS NOT DESIGNED TO RECOVER FOR
16 REUSE OR RECYCLING AT LEAST 5 PERCENT, A
17 CONFORMANCE FINDING IS NOT REQUIRED. ALSO, CEQA
18 HAS BEEN COMPLIED WITH.

19 STAFF HAVE REVIEWED THE PROPOSED
20 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM
21 TO BE ACCEPTABLE; HOWEVER, IN AN INSPECTION ON
22 MARCH 11TH OF THIS YEAR, STAFF OF THE BOARD'S
23 ENFORCEMENT BRANCH NOTED FIVE VIOLATIONS OF
STATE

24 MINIMUM STANDARDS. THESE ARE DRAINAGE, DUST,
25 SOLID WASTE REMOVAL, FIRE CONTROL, AND

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CLEANING.

1 THE LEA HAD ISSUED A STIPULATED
2 ORDER OF COMPLIANCE SIGNED BY THE OPERATOR TO
3 ADDRESS THE DRAINAGE AND DUST ISSUES. UNDER THE
4 TERMS OF THE STIP, THE DRAINAGE SYSTEM WOULD BE
5 CORRECTED WITHIN 120 DAYS AND A DUST CONTROL
6 SYSTEM STALLED WITHIN 180 DAYS.

7 IN ADDITION, ON MARCH 17TH OF THIS
8 MONTH, THE LEA WENT OUT AND DETERMINED THAT THE
9 OTHER VIOLATIONS HAD BEEN CORRECTED. AT THE MARCH
10 19TH PERMITTING AND ENFORCEMENT MEETING, THE
11 COMMITTEE VOTED TWO ZERO, ONE ABSTENTION, TO
12 RECOMMEND CONCURRENCE IN THE ISSUANCE OF THE
13 PERMIT. THIS CONCLUDES MY PRESENTATION.

14 VICE CHAIRMAN FRAZEE: WE HAVE THE LEA.

15 MR. SWIFT: BOB SWIFT, LEA FOR SONOMA
16 COUNTY. MR. CHAIRMAN AND MEMBERS OF THE BOARD, ON
17 FEBRUARY 25TH, I MADE AN INSPECTION OF THIS
18 FACILITY IN SUPPORT OF THE PROPOSED PERMIT. I
19 NOTED VIOLATIONS OF THE DUST STANDARD AND
20 CONTACTED WASTE BOARD STAFF AND ADVISED THEM OF
21 THAT FACT. I WAS ADVISED A STIPULATED NOTICE AND
22 ORDER WAS APPROPRIATE, WHICH I FAX'D A DRAFT TO
23 THE WASTE BOARD'S STAFF, RECEIVED VERBAL APPROVAL,
24 I ISSUED THAT STIP.

25 WHEN THE WASTE BOARD STAFF MADE

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1 THEIR INSPECTION ON MARCH 11TH, THE FIRE HOSES HAD
2 BEEN REMOVED. I REQUESTED THAT -- INDICATED THEY
3 WERE IN POOR REPAIR AND NEEDED TO BE REPLACED. AT
4 THE TIME OF THE INSPECTION, THERE WAS A LOAD OF
5 CONSTRUCTION DEMOLITION DEBRIS THAT CAME IN WHICH
6 GENERATED A LOT OF DUST. THERE WAS NO HOSES
7 AVAILABLE, SO THERE WAS A VIOLATION.

8 SUBSEQUENT INSPECTIONS ON MARCH 17TH
9 AND YESTERDAY INDICATED THAT THE HOSES HAVE BEEN
10 REPLACED, THE DUST CONTROL MEASURES WERE BEING
11 IMPLEMENTED.

12 ALSO, ON MARCH 18TH THE OWNER/
13 OPERATOR HAS ISSUED -- SENT OUT A LETTER TO
14 VENDORS SOLICITING ESTIMATES FOR THE DESIGN
15 SPECIFICATIONS AND INSTALLATION OF A
PERMANENTLY
16 INSTALLED MIST DUST CONTROL SYSTEM.

17 THE GRAY WATER SYSTEM AT THE TIME
OF
18 WASTE BOARD STAFF'S INSPECTION ON MARCH 11TH,
THE
19 BOARD -- SONOMA COUNTY BOARD OF SUPERVISORS WAS
20 APPROVING FUNDS, EXPENDITURE OF FUNDS, FOR THE
21 DESIGN AND REPLUMBING OF THE GRAY WATER
COLLECTION

22 SYSTEM. IN MY OPINION, ALL VIOLATIONS HAVE

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BEEN

23 CORRECTED OR THEY'RE UNDER THE STIPULATED

NOTICE

24 AND ORDER.

25 VICE CHAIRMAN FRAZEE: OKAY. ANY

1 QUESTIONS?

2 BOARD MEMBER RELIS: MR. CHAIR, TWO
3 QUESTIONS, AND THEN I'LL BE DONE WITH THIS ONE.
4 HAVE THE VIOLATIONS THAT YOU JUST SPOKE TO BEEN
5 NOTED IN PRIOR INSPECTIONS?

6 MR. SWIFT: THEY HAVE BEEN NOTED AS
7 VIOLATIONS AND AREAS OF CONCERN.

8 BOARD MEMBER RELIS: AND IF THEY WERE
9 NOTED IN AREAS OF CONCERN, HAD ANY ENFORCEMENT
10 ACTION BEEN TAKEN BY YOU PRIOR TO WHAT WE'RE
11 DISCUSSING TODAY?

12 MR. SWIFT: I BELIEVE IN SOME INSTANCES
13 WE HAVE ISSUED WHAT WE CALL REINSPECTION FEES,
14 WHICH ARE PASSED ON TO THE CONTRACT OPERATOR.

15 BOARD MEMBER RELIS: THAT'S MEANS YOU ARE
16 GOING TO GO OUT AND INSPECT AGAIN, BUT THAT ISN'T
17 AN ENFORCEMENT ACTION.

18 MR. SWIFT: RIGHT. WE HAVEN'T ISSUED A
19 NOTICE AND ORDER PRIOR TO THIS.

20 BOARD MEMBER RELIS: OKAY. WHAT YOU ARE
21 SAYING TODAY IS THAT THE MATTERS OUTSTANDING, ONE
22 HAS BEEN ALREADY ADDRESSED, THE OTHER IS IN BID
23 STATUS?

24 MR. SWIFT: CORRECT.

25 BOARD MEMBER RELIS: THANK YOU.

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1 BOARD MEMBER JONES: MR. CHAIRMAN, I'D
2 LIKE TO MAKE A MOTION -- WAIT A MINUTE. LET ME
3 SEE WHAT ITEM THIS IS, 43 -- 97-91.

4 VICE CHAIRMAN FRAZEE: WE HAVE A SECOND
5 ON THAT?

6 BOARD MEMBER RELIS: I'LL SECOND.

7 VICE CHAIRMAN FRAZEE: WE HAVE A MOTION
8 AND SECOND ON THE ADOPTION OF PERMIT DECISION
9 97-91. IF THE SECRETARY WILL CALL THE ROLL,
10 PLEASE.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN
PENNINGTON.

22 VICE CHAIRMAN FRAZEE: OKAY. THE
MOTION

23 IS CARRIED.

24 THEN WE HAVE ITEM 49, WHICH

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IS THE
25 CONSIDERATION OF AN UPDATE FOR THE SCHEDULE
FOR

1 PLACEMENT OF OPERATIONS AND FACILITIES INTO
2 REGULATORY TIERS AND DEVELOPMENT OF MINIMUM
3 STANDARDS.

4 MR. DIER: MR. CHAIRMAN, BOB HOLMES WILL
5 MAKE THIS PRESENTATION.

6 MR. HOLMES: GOOD AFTERNOON, MEMBERS OF
7 THE BOARD. I'M PLEASED TO PRESENT THE LAST STAFF
8 PRESENTATION TODAY, I BELIEVE.

9 THIS WOULD BE THE THIRD TIME THAT
10 THIS SCHEDULE IS BEFORE THE BOARD. IT WAS FIRST
11 APPROVED IN JANUARY OF '95. IT WAS UPDATED IN
12 JANUARY OF '96, AND IT WAS BACK BEFORE THE P&E
13 COMMITTEE IN JANUARY OF '97. AT THAT TIME THERE
14 WERE SOME OUTSTANDING ISSUES THAT THE COMMITTEE
15 DECIDED THEY WANTED SOME TIME -- ADDITIONAL TIME
16 TO THINK ABOUT. THOSE BEING PRIMARILY THE
17 INVOLVEMENT OF THE CALIFORNIA DEPARTMENT OF FOOD
18 AND AGRICULTURE IN THE PENDING ASH REGULATIONS
19 THAT THE P&E DIVISION IS DEVELOPING. AND THERE
20 WERE OTHER ISSUES SURROUNDING THE WASTE DIVERSION
21 IMPLICATIONS OF THE PROPOSED SCHEDULE.

22 THE P&E COMMITTEE HEARD THIS ITEM
23 LAST WEEK AND VOTED TO MAKE SOME ADJUSTMENTS TO
24 THE STAFF'S PROPOSED SCHEDULE. I'VE JUST PASSED
25 OUT TO YOU THOSE ADJUSTMENTS. AND TO HIGHLIGHT

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1 THOSE, THERE WAS AN ADJUSTMENT REQUESTED FOR THE
2 NEXT THREE FACILITIES OPERATION PACKAGES THAT WILL
3 START THIS YEAR. AND THE ACTION REQUESTED WAS TO
4 MOVE BIOSOLIDS BACK TO STARTING IN OCTOBER OF '97,
5 MOVE ORGANICS UP TO START IN MAY OF '97, AND C&D
6 OPERATIONS IN JULY OF '97. AND ESSENTIALLY THAT
7 CONCLUDES MY PRESENTATION.

8 VICE CHAIRMAN FRAZEE: ANY QUESTIONS ON
9 THIS ADJUSTMENT IN THE SCHEDULE?

10 BOARD MEMBER GOTCH: NO.

11 VICE CHAIRMAN FRAZEE: IF NOT, A MOTION
12 IS IN ORDER TO ADOPT THE SCHEDULE.

13 BOARD MEMBER RELIS: MR. CHAIR, I'LL MOVE
14 THE REVISED SCHEDULE.

15 BOARD MEMBER GOTCH: I'LL SECOND.

16 VICE CHAIRMAN FRAZEE: WE HAVE A MOTION
17 AND A SECOND ON THE ADOPTION OF THE REVISED
18 SCHEDULE FOR PLACEMENT OF OPERATIONS AND
19 FACILITIES INTO REGULATORY TIERS. SECRETARY WILL
20 CALL THE ROLL ON THAT, PLEASE.

21 BOARD SECRETARY: BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 BOARD SECRETARY: FRAZEE.

24 BOARD MEMBER FRAZEE:

AYE.

25 BOARD SECRETARY: GOTCH.

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1 BOARD MEMBER GOTCH: AYE.

2 BOARD SECRETARY: JONES.

3 BOARD MEMBER JONES: AYE.

4 BOARD SECRETARY: RELIS.

5 BOARD MEMBER RELIS: AYE.

6 BOARD SECRETARY: CHAIRMAN PENNINGTON.

7 VICE CHAIRMAN FRAZEE: MOTION IS CARRIED.

8 NOW, DOES THAT COMPLETE ALL OF OUR

9 AGENDA? WE HAVE OPEN DISCUSSION. ANY OF THAT?

IF NOT, WE WILL STAND ADJOURNED.

(THE MEETING WAS THEN ADJOURNED AT

4:35 P.M.)

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